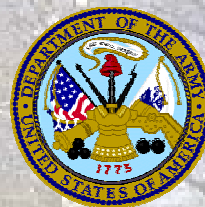


# Central Region Review



U.S. Army Environmental Center  
Central Regional Office  
Kansas City, Missouri



★ MARCH 2005 ★

★ REGIONS 6 & 7 ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in federal Regions 6 and 7. Versar, Inc., in support of the Central Regional Environmental Office (CREO), prepares the *REVIEW* to assist you in your compliance efforts. Current and past issues of the *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil/usaec/reo/creo00.html>. Please e-mail [CREO.regulatory.specialist@nwk02.usace.army.mil](mailto:CREO.regulatory.specialist@nwk02.usace.army.mil) or call (816) 983-3327 if you have any questions or suggestions, or if you would like to subscribe to the *REVIEW*.

## CONTENTS

Region 6 State Activity – <a href="#">Arkansas</a>	2
Region 6 State Activity – <a href="#">Louisiana</a>	3
Region 6 State Activity – <a href="#">New Mexico</a>	5
Region 6 State Activity – <a href="#">Oklahoma</a>	8
Region 6 State Activity – <a href="#">Texas</a>	11
Region 7 State Activity – <a href="#">Iowa</a>	16
Region 7 State Activity – <a href="#">Kansas</a>	18
Region 7 State Activity – <a href="#">Missouri</a>	19
Region 7 State Activity – <a href="#">Nebraska</a>	21
<a href="#">Federal Actions</a>	22
<a href="#">Regional Meetings</a>	24
<a href="#">Training Courses and Workshops</a>	24
<a href="#">Conferences and Symposiums</a>	26
<a href="#">Acronyms and Abbreviations</a>	28

## CENTRAL REGIONAL ENVIRONMENTAL OFFICE PERSONNEL DIRECTORY

### CREO Chief/DoD Region 7 REC:

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<b>Administrative Assistant</b>	(816) 983-3446
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**Assistance in Environmental Regulations Impact.** The CREO has, in the past, successfully assisted installations in moderating environmental regulations that impact on current operations. If you need assistance in this regard, please contact the CREO Chief/ DoD Region 7 REC at (816) 983-3449 or Regional Counsel at (816) 983-3448. CREO stands ready to assist you in resolving these types of issues.

**AELC Call for Army Environmental Legislative Proposals.** The US Army prepares and submits to the Office of the Secretary of Defense (OSD) proposals to address a wide variety of issues, including environmental, for subsequent submittal to OMB and to the Congress. In late 2002, the **Army Environmental Legislative Committee (AELC)** was established to, among other things, streamline the process for the Army's development of environmental and related legislative proposals for submittal to OSD.

**AELC** continuously solicits input for environmental legislative concepts/proposals for the Defense Authorization and Appropriations Bills. **AELC** then selects environmental concepts that the Army would like to pursue. Technical and legal support is provided to ensure that each concept is developed into a format consistent with DoD guidance for the submittal of legislative proposals. Submissions should be coordinated through your chain of command to your organization's **AELC** point of contact. More information can be obtained from the **US Army Environmental Center** at (410) 436-1220. **USAEC** serves as secretary and provides staff support to **AELC**.

[\[Top\]](#)

## REGION 6 STATE ACTIVITY

### Regulatory & Legislative Web Sites

Arkansas Department of Environmental Quality (ADEQ)	<a href="http://www.adeq.state.ar.us">http://www.adeq.state.ar.us</a>
Arkansas General Assembly	<a href="http://www.arkleg.state.ar.us/">http://www.arkleg.state.ar.us/</a>
Louisiana Department of Environmental Quality (LDEQ)	<a href="http://www.deq.state.la.us">http://www.deq.state.la.us</a>
Louisiana Legislature	<a href="http://www.legis.state.la.us/">http://www.legis.state.la.us/</a>
New Mexico Environment Department (NMED)	<a href="http://www.nmenv.state.nm.us/">http://www.nmenv.state.nm.us/</a>
New Mexico Legislature	<a href="http://legis.state.nm.us/">http://legis.state.nm.us/</a>
Oklahoma Department of Environmental Quality (ODEQ)	<a href="http://www.deq.state.ok.us">http://www.deq.state.ok.us</a>
Oklahoma Legislature	<a href="http://www.lsb.state.ok.us/">http://www.lsb.state.ok.us/</a>
Texas Commission on Environmental Quality (TCEQ)	<a href="http://www.tnrcc.state.tx.us">http://www.tnrcc.state.tx.us</a>
Texas Legislature	<a href="http://www.capitol.state.tx.us/">http://www.capitol.state.tx.us/</a>

## ARKANSAS

## Legislative/Regulatory Activity

### STATE OF ARKANSAS PROPOSED LEGISLATION

(NEW) **Arkansas H.B. 1334 - Land Use.** H.B. 1334 amends land use restrictions concerning property near a military installation and allows for first class cities that are located near an Air Force Base to create ordinances to restrict or prohibit the future use of property that might be hazardous to aircraft operation. The bill was introduced on 31 January 2005 and referred to the Committee on Aging, Children and Youth, Legislative, and Military Affairs on 1 February. Prospects for consideration are uncertain. The sponsor is in the majority party, but does not sit on the committee to which this bill has been referred. A hearing was held on 16 February. The draft document is available at <http://www.arkleg.state.ar.us/ftproot/bills/2005/public/HB1334.pdf>.  
Sponsor: Representative Will Bond (D)

CREO Comment: This bill does not include Army or National Guard facilities. Installations are encouraged to contact their representatives to get all of DoD included. For suggested language, please contact the Region 6 Army REC at (816) 983-3450.

(NEW) **Arkansas H.B. 1495 – Water.** This bill clarifies that the Arkansas Department of Environmental Quality may administratively suspend or revoke the license of operators of a wastewater treatment facility. The bill was introduced and referred to the Public Health, Welfare, and Labor Committee on 8 February 2005 with a hearing scheduled for 17 February. Prospects for passage are uncertain. The sponsor is a member of the minority party and does not sit on the committee of referral, and is towards the bottom on the House Seniority List. The draft document is available at <http://www.arkleg.state.ar.us/ftproot/bills/2005/public/HB1495.pdf>. Sponsor: Representative Nathan George (D)

(NEW) **Arkansas S.B. 230 - Water Quality.** S.B. 230 adopts the Water Quality Protection Act. This bill was introduced and referred to the Public Health, Welfare, and Labor Committee on 27 January 2005. A hearing was held on 2 February. Prospects for passage are fair. The sponsor is in the majority party and sits on the committee to which this bill has been referred. The draft document is available at <http://www.arkleg.state.ar.us/ftproot/bills/2005/public/SB230.pdf>. Sponsor: Senator Bob Johnson (D)

CREO Comment: This bill allows for voluntary stewardship agreements to prevent storm water pollution rather than imminent domain determination by the Soil and Water Conservation Commission.

### STATE OF ARKANSAS FINAL RULES

(Effective 14 February 2005) **AR Department of Environmental Quality Final Regulation: Amendments to Underground Injection Control Regulations (Regulation 17).** The Department has

adopted amendments to Regulation 17 that governs underground injection control. The amendments make formatting changes and adopt federal updates to the classified well program, including the addition of requirements for two new subcategories of Class V wells: large-capacity cesspools and motor vehicle waste disposal wells. The Arkansas Pollution Control and Ecology Commission approved initiation of rulemaking at its meeting on 27 August 2004. The regulations were final, effective 14 February 2005. *For additional information, please call Laura Stuart-Leslie at (501) 682-0642.*

**(Effective 14 February 2005) AR Department of Environmental Quality Final Regulation:**

**Amendments to Permit Fee Regulations (Regulation 9).** The Department has adopted amendments to its regulations that govern air, solid waste, and water permit fees. The predominant change allows the ADEQ director to refrain from increasing the fee for Title V permits in a year when the fee fund contains a balance greater than 200% of money expended from the fund in the previous year. The amendments also make minor administrative changes. The regulations are final, effective 14 February 2005. *For additional information, please call Deborah Pitts at (501) 682-0883.*

## **STATE OF ARKANSAS PROPOSED RULES**

**(UPDATE) AR Department of Environmental Quality Proposed Regulation: Update of Solid Waste Management Regulation (Regulation 22).** ADEQ has proposed amendments to its solid waste management regulation to update the rule and incorporate legislative changes that have occurred since the rule was last revised in 1995. The changes include new and revised requirements for solid waste disposal facility design and operation, and monitoring and reporting requirements. The changes also include new requirements for composting facilities, transfer stations, and construction and demolition recovery facilities. The Arkansas Pollution Control and Ecology Commission adopted the regulations 28 January 2005 have forwarded them to the Governor's office for approval. Staff anticipates that the regulations will be made final in March 2005. A draft of amendments to the regulation is available at [http://www.adeg.state.ar.us/regs/drafts/reg22\\_draft\\_docket\\_04-00X-R/reg22\\_draft\\_docket\\_04-00x-R\\_markup.pdf](http://www.adeg.state.ar.us/regs/drafts/reg22_draft_docket_04-00X-R/reg22_draft_docket_04-00x-R_markup.pdf). *For additional information, please call Pat Henry at (501) 682-0588.*

**CREO Comment:** This proposed regulation may have the potential to impact DoD activities and installations in Arkansas. The amendments are being reviewed and a recommended course of action, if any is required, will be summarized in the Central Region Review. Any comments should be forwarded to the Army REC at (816) 983-3450.

**(UPDATE) AR Department of Environmental Quality Proposed Regulation: Amendments to Hazardous Waste Regulations to Update Federal Requirements For Used Oil and to Add Consumer Electronics to the Definition of "Universal Waste" (Regulation 23).** The Department has proposed amendments to its hazardous waste regulations that will add consumer electronics to the definition of "universal waste" and subject consumer electronics to the universal waste requirements. The amendments will also update the regulations to include the most recent federal requirements for the management of used oil. Additionally, the amendments will update the financial assurance requirements for the management of hazardous waste. The Arkansas Pollution Control and Ecology Commission adopted the regulations 28 January 2005 and have forwarded them to the Governor's office for approval. A draft of the proposed amendments is available at [http://www.adeg.state.ar.us/regs/drafts/reg23\\_draft\\_docket\\_04-00X-R/reg23\\_draft\\_docket\\_04-00X-R\\_markup.pdf](http://www.adeg.state.ar.us/regs/drafts/reg23_draft_docket_04-00X-R/reg23_draft_docket_04-00X-R_markup.pdf). *For additional information, please call Tom Ezell at (501) 682-0876.*

[\[Top\]](#)

## **LOUISIANA**

## **Legislative/Regulatory Activity**

## **STATE OF LOUISIANA FINAL RULE**

**(Effective 10 February 2005) LA Department of Environmental Quality Final Emergency Rule: Alternative Penalty Assessment mechanism for Penalty Agreements (OS054E3) (LAC 33:I.801, 803, 805, and 807).** LDEQ has re-adopted an emergency rule intended to abate the delay in correcting minor and moderate violations of the Environmental Quality Act. The rule provides an alternative penalty assessment mechanism that the department may use, at its discretion, to expedite penalty agreements in appropriate cases. This rule is part of a pilot program and helps LDEQ gather information to formulate a long-term rule. As part of an expedited penalty agreement, the rule allows the Department to assess predetermined penalties for specific types of

violations and provides a table that sets out such penalties. The total penalty assessed for an expedited penalty agreement cannot exceed \$1,500 for one violation or \$3,000 for two or more violations per penalty assessed. The rule specifies that an expedited penalty agreement can only be used when nine factors for consideration are satisfied. The emergency rule that was promulgated, effective 7 January 2005, has been rescinded and a new emergency rule has been promulgated, effective 10 February 2005. The emergency rule will remain in effect for a maximum of 120 days or until a permanent rule is promulgated. The most recent version of the rule is available at <http://www.deq.state.la.us/planning/regs/pdf/OS054E4.pdf>. For additional information, please contact Mike D. McDaniel at (504) 342-1201

## **STATE OF LOUISIANA PROPOSED RULES**

**(NEW) LA Department of Environmental Quality Proposed Regulation: Amendments to Update Federal Incorporations by Reference (OS062) (LAC 33:I.3931, V.3099, IX.2301, 4901, 4903 and XV.1517).** LDEQ has proposed amendments that update federal incorporations by reference through 1 July 2004 for various regulations. The amendments update the reportable quantities list for notification of unauthorized discharges. The amendments also update the appendices associated with hazardous waste burned in boilers and industrial furnaces. The amendments further update the general conditions for the state pollution discharge elimination program. Additionally, the amendments will update the incorporation by reference section of the regulations that govern the transportation of radioactive material. The Department will hold a public hearing 29 March 2005. Comments are due on that day. The proposed amendments are available at <http://www.deq.state.la.us/planning/regs/pdf/OS062pro.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

**(NEW) LA Department of Environmental Quality Proposed Regulation: Miscellaneous Corrections to the Air Quality Regulations (AQ248) (LAC 33:III.507, 1509 and 2305).** The Department has proposed amendments to make miscellaneous corrections to its air quality regulations. The amendments revise a reference in the Part 70 operating permits program in order to standardize reporting procedures for upset provisions. The amendments also correct the measurement unit for hydrogen sulfide that is exempt from flaring or combustion control measures. LDEQ will hold a public hearing 29 March 2005. Comments are due 5 April 2005. The proposed amendments are available at <http://www.deq.state.la.us/planning/regs/pdf/AQ248pro.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

**(NEW) LA Department of Environmental Quality Proposed Regulation: Correction of Contradictory Language in the Air Permitting "Insignificant Activities List" (AQ244) (LAC 33:III.501).** The Department has proposed amendments to its air quality regulations. The amendments: (1) revise the list of activities that do not require a permit in the "Insignificant Activities List"; (2) add language to define aggregate emissions as the total emissions from a single insignificant activity or group of insignificant activities within a permit year; and (3) correct contradictory language to clarify the intent of the list. LDEQ will hold a public hearing 29 March 2005. Comments are due 5 April 2005. The proposed amendments are available at <http://www.deq.state.la.us/planning/regs/pdf/AQ244pro.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

**(NEW) LA Department of Environmental Quality Proposed Regulation: Updates to the State Implementation Plan to Include 2004 Air Quality Regulation Revisions (0502Pot1) (LAC 33:III.Chapters 2 and 21).** LDEQ has proposed revisions to the State Implementation Plan (SIP). The revisions incorporate updates made to the state air quality regulations in 2004. The updates include the addition of a new fee number to distinguish between Title V and other facility criteria pollutant fees, and the clarification of instrumentation systems requirements for fugitive emissions control and fugitive emissions control in non-attainment areas for consistency with federal fugitive rules. The Department will hold a public hearing 29 March 2005. Comments are due 5 April 2005. The notice is available at <http://www.deq.state.la.us/planning/regs/pdf/0502Pot1.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

[\[Top\]](#)

The New Mexico Legislature is scheduled to adjourn *sine die* March 19.

## **STATE OF NEW MEXICO PROPOSED LEGISLATION**

**(NEW) New Mexico H.B. 78 – Conservation.** H.B. 78 authorizes the state Game Commission to acquire, by purchase or lease, interests in land, water rights or water and expend money from the Game Protection Fund and the Habitat Acquisition and Management Fund for the acquisitions and the improvement, maintenance, development and operation of the properties acquired. The bill was introduced and referred to the House Energy and Natural Resources Committee on 20 January 2005. The bill was substituted and passed by Committee by a 7 - 0 vote and referred to the Taxation and Revenue Committee on 4 February which passed this bill with amendments on 7 February by a unanimous vote of 12 - 0. This bill was then referred to the Appropriations and Finance Committee on 7 February. Prospects for further consideration are favorable. This bill has been referred to the Appropriations and Finance Committee for further review. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/house/HB0078.pdf>. Sponsor: Representative Mimi Stewart (D)

**(NEW) New Mexico H.B. 124 - Land Use.** New Mexico H.B. 124 allows counties, after review by appropriate state agencies, to permit specific rural areas as sustainable development testing sites. The bill stipulates that in these areas, an applicant can propose an exemption from laws, ordinances and rules that may inhibit the proposed research. H.B. 124 also establishes permit application procedures to include: information on the research to be conducted; the maximum number of structures that may be constructed; the maximum number of individuals that may inhabit the site; and a listing of the laws ordinances and rules from which the permittee and the permittee's research is exempt. The bill allows sites to be used to test ideas, concepts and inventions related to residential sustainable development, including energy, housing, water harvesting, food production, sewage treatment, and bio-fuel production. The bill was introduced and referred to the House Government and Public Affairs Committee on 20 January 2005 and reported and re-referred to the Energy and Natural Resources Committee on 27 January. Prospects for further consideration are favorable. This bill has received support from the Energy, Minerals, and Natural Resources Department (EMNRD) for its promotion of energy efficiency in residential development. This bill was reported favorably by the Government and Public Affairs with a vote of 4 - 2, and referred the bill to the House Energy and Natural Resources Committee. While Representative Gonzales is a member of the majority party, he does not sit on the committee of referral. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/house/HB0124.pdf>. Sponsor: Representative Roberto Gonzales (D)

**(NEW) New Mexico H.B. 285 - Water, Water Use, Water Conservation.** This bill contains state policy for active management and designation of critical management areas. It also defines critical management area as a bounded area that requires special water resources protection and requires the state engineer to treat all domestic well applications for critical management areas in the same manner as domestic well applications for other areas. H.B. 285 was introduced and referred to the House Energy and Natural Resources Committee on 25 January 2005. (See H.B. 500, a similar bill to H.B. 285). Prospects for consideration are uncertain. While Representative Varela is a member of the majority party, he does not serve on the committee of referral. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/house/HB0285.pdf>. Sponsor: Representative Luciano Varela (D)

**(NEW) New Mexico H.B. 307 - Land Use.** H.B. 307 increases the membership of the Military Base Planning commission from 15 to 17 by allowing the Governor two additional appointments. This bill was introduced and referred to the House Government and Urban Affairs Committee 25 January 2005. It was reported from Committee on 5 February, passed the House and was referred to the Senate Public Affairs Committee on 9 February 2005. Prospects for further consideration are favorable. H.B. 307 passed the House by a unanimous vote of 64 - 0 on 9 February. This bill has been referred to the Senate Public Affairs Committee, which is chaired by Senator Dede Feldman (D). Governor Bill Richardson (D) and Lieutenant Governor Diane Denish (D), who is chairperson of the state Military Base Planning Commission, have prioritized relations with the state's four military installations for this session. Additionally, both parties have established that military base relations are a priority. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/house/HB0307.pdf>. Sponsor: Representative Jeannette Wallace (R)



(NEW) **New Mexico H.B. 357 - Lead-Based Paint.** This bill requires the Environmental Improvement Board to adopt rules consistent with the Federal Residential Lead-Based Paint Hazard Reduction Act of 1992, including rules that (1) establish a program of certification of lead-based paint contractors; (2) require certification of any lead-based paint reduction contractor or inspector to perform lead-based paint services on target housing and child-occupied facilities; (3) provide for accreditation of approved training programs; (4) contain standards for performing lead-based paint services; (5) require all lead-based paint training programs to include a hands-on component; and (6) identify guidelines for the determination of adverse human health effects posed by lead-based paint hazards, based on federal regulations. The bill was introduced and referred to the House Government and Urban Affairs Committee on 26 January 2005. Prospects for consideration are uncertain. While Representative Park is a member of the majority party, he does not sit on the committee of referral. No hearing has been scheduled for this bill. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/house/HB0357.pdf>. Sponsor: Representative Al Park (D)

(NEW) **New Mexico H.B. 500 - Water, Water Use, Water Conservation.** The bill permits the State Engineer to declare a critical management area in specific areas. It defines critical management area as a bounded area, township and range, or by other land survey descriptions, that requires special water resource protection because: (1) water resources may be inadequate to sustain well production, and (2) additional depletions are shown to negatively affect interstate compact delivery requirements. H.B. 500 was introduced and referred to the House Energy and Natural Resources Committee on 26 January 2005. Prospects for consideration are uncertain. However, water will be the most prominent environmental issue for this session. Although Governor Bill Richardson (D) has listed developing, managing, and conserving of water as a legislative priority for this session, it is unclear whether this bill will receive significant consideration. Representative King is a member of the majority party; however, she does not sit on the committee of referral. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/house/HB0500.pdf>. Sponsor: Representative Rhonda King (D)

(NEW) **New Mexico H.B. 515 - Air Permitting And Quality, Air.** This bill states that the Department may deny or condition any permit application or modify, suspend or revoke any permit issued pursuant to the Air Quality Control Act if the applicant or permittee has: (1) knowingly misrepresented a material fact in the application for a permit; (2) refused or failed to disclose the information required by the provisions of the Air Quality Control Act; (3) been convicted in any court, within 10 years immediately preceding the date of submission of the permit application of a felony or a crime involving bribery or fraud, among others; (4) exhibited willful disregard for environmental laws of any state or the US; (5) had any permit revoked or permanently suspended for cause under the environmental laws of any state or the US; or (6) violated any provision of the Air Quality Control Act. H.B. 515. The bill was introduced and referred to the House Energy and Natural Resources Committee on 27 January 2005. Prospects for consideration are favorable. Representative Wirth is a member of the majority party and sits on the committee to which this bill was assigned. A hearing has not been scheduled for this bill. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/house/HB0515.pdf>. Sponsor: Representative Peter Wirth (D)

(NEW) **New Mexico H.B. 661 - Water, Water Use, Water Conservation.** This bill allows the Soil and Water Conservation Commission to establish a position for a Watershed Coordinator who will be responsible for, among other duties: (a) cooperative agreements between the state and federal agencies, political subdivisions or Indian nations; and (b) coordination of landowner agreements through the local soil and water conservation district. H.B.661 was introduced and referred to the House Agriculture and Water Resources Committee on 1 February 2005. The bill was heard on 15 February. Prospects for consideration are fair. While Representative Tripp is a member of the majority party and sits on the committee of referral. Water issues have been one of the more prominent environmental issues facing the Legislature this session. A hearing was scheduled for this bill on 15 February. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/house/HB0661.pdf>. Sponsor: Representative Don Tripp (R)

(NEW) **New Mexico H.B. 711 - Water Quality.** H.B. 711 stipulates that the Water Quality Commission shall not adopt or enforce standards for surface waters that are more stringent than those required by Federal law and Federal regulations relating to surface water quality standards. The bill was introduced and referred to the House Energy and Natural Resources Committee on 2 February 2005. Prospects for consideration are uncertain. While Representative Campos is a member of the majority party, he does not sit on the committee of referral. The Senate Minority Leader, Stuart Ingle (R), introduced a similar bill, S.B. 583. A hearing has not been scheduled for this bill. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/house/HB0711.pdf>. Sponsor: Representative Jose Campos (D)  
Companion Bill: S.B. 583

**(NEW) New Mexico H.B. 889 – Cleanup.** This bill entitled the Uniform Environmental Covenants Act stipulates that any person, including a person that owns an interest in real property, an agency, or a municipality, may be a grantee of an environmental covenant, which means a servitude arising under an environmental response project that imposes activity and use limitations. H.B. 889 defines an environmental response project as a plan or work performed for environmental remediation of real property and conducted: (1) under a federal or state program governing environmental remediation of real property; (2) incident to closure of a solid hazardous waste management unit; or (3) under a state voluntary cleanup program authorized in the Voluntary Remediation Act. The bill further stipulates that any person, other than the Department of the Environment, is bound by the obligations the person agrees to in the environmental covenant. It requires that an environmental covenant shall: (1) state that the instrument is an environmental covenant executed pursuant to the Uniform Environmental Covenants Act; (2) contain a legally sufficient description of the real property subject to the environmental covenant; (3) describe the activity and use limitations on the real property; (4) identify every holder; (5) be signed by the agency, every holder and unless waived by the agency, ever owner of the fee simple of the real property subject to the covenant; and (6) identify the name and location of any administrative record for the environmental response project reflected in the covenant. It also allows an environmental covenant to contain other information not required by this Act. The bill was introduced and referred to the House Energy and Natural Resources Committee on 10 February 2005. Prospects for consideration are favorable. Representative Heaton is a member of the majority party, and sits on the committee to which this bill was assigned. A hearing has not been scheduled for this bill. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/house/HB0889.pdf>. Sponsor: Representative John Heaton (D)

**CREO Comment:** CREO is following this bill closely. NMED has proposed that ground water be exempted from this bill.

**(NEW) New Mexico S.B. 417 - Land Use.** S.B. 417 allows counties, after review by appropriate state agencies, to permit specific rural areas as sustainable development testing sites. It stipulates that in these areas an applicant can propose an exemption from laws, ordinances and rules that may inhibit the proposed research. The bill establishes permit application procedures. This bill requires permits to include: information on the research to be conducted; the maximum number of structures that may be constructed; the maximum number of individuals that may inhabit the site; and a listing of the laws ordinances and rules from which the permittee and the permittee's research is exempt and allows sites to be used to test ideas, concepts and inventions related to residential sustainable development, including energy, housing, water harvesting, food production, sewage treatment, and bio-fuel production. The bill was introduced and referred to the Senate Conservation Committee on 26 January 2005. Prospects for consideration are favorable. Senator Cisneros serves as Chairman of the committee of referral. Additionally, Representative Roberto Gonzales (D) introduced a similar bill, H.B. 124. However, a hearing has not been scheduled for this bill. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/senate/SB0417.pdf>. Sponsor: Carlos Cisneros (D)

**(NEW) New Mexico S.B. 583 - Water Quality.** S.B. 583 stipulates that the Water Quality Commission shall not adopt or enforce standards for surface waters that are more stringent than those required by Federal law and Federal regulations relating to surface water quality standards. The bill was introduced and referred to the Senate Conservation Committee 1 February 2005. Prospects for consideration are uncertain. Senator Ingle is the Minority Leader, and does not sit on the committee to which this bill was assigned. This bill was passed by the Conservation Committee by a unanimous vote of 8 - 0, and referred to the Judiciary Committee on 10 February. A hearing has not been scheduled for this bill. Additionally, Representative Ray Begaye (D) has introduced a similar bill, H.B. 711, in the House. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/senate/SB0583.pdf>. Sponsor: Senator Stuart Ingle (R)  
Companion Bill: H.B. 711

**(NEW) New Mexico S.B. 668 - Hazardous Waste.** This bill removes the authority of the Hazardous Waste Board to adopt rules for the management of hazardous waste that are more stringent than federal regulations adopted by EPA pursuant to the Resource Conservation and Recovery Act of 1976. The bill was introduced and referred to the Senate Conservation Committee on 3 February 2005. Prospects for consideration are uncertain. While Senator Sanchez is a member of the majority party, he does not sit on the committee to which this bill was assigned. A hearing has not been scheduled for this bill. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/senate/SB0668.pdf>. Sponsor: Senator Michael Sanchez (D)

**(NEW) New Mexico S.B. 690 - Water, Water Use, Water Conservation.** This bill allows the Soil and Water Conservation Commission to establish a position for a Watershed Coordinator who will be responsible for, among

other duties: (a) cooperative agreements between the state and federal agencies, political subdivisions or Indian nations; and (b) coordination of landowner agreements through the local soil and water conservation district. Introduced and referred to the Senate Conservation Committee on 4 February 2005. Prospects for consideration are favorable. Senator Griego serves as the Vice Chairman of the committee of referral. Water issues have been one of the more prominent environmental issues facing the Legislature this session. A hearing has not been scheduled for this bill. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/senate/SB0690.pdf>. Sponsor: Senator Phil Griego (D)  
Companion bill: H.B 661

**(NEW) New Mexico S.B. 844 - Aboveground Storage Tanks.** S.B. 844 excludes above ground storage tanks with a capacity of 1250 gallons or less that are composed of two separate compartments of 500 gallons or less capacity and is lined and sealed to prevent leaks from the definition of tanks subject to regulation under the Hazardous Waste Act and the Ground Water Protection Act. The bill was introduced and referred to the Senate Conservation Committee on 11 February 2005. Prospects for consideration are fair. While Senator Jennings is a member of the majority party, he does not sit on the committee to which this bill was assigned. A hearing has not been scheduled for this bill. The draft document is available at <http://legis.state.nm.us/Sessions/05%20Regular/bills/senate/SB0844.pdf>. Sponsor: Timothy Jennings (D)

## **STATE OF NEW MEXICO FINAL RULE**

**(Effective 31 January 2005) NM Office of the State Engineer Final Regulation Published 28 May 2004: New Surface Water Administration Regulations (NMAC 19.26.2).** The Office has adopted new surface water administration regulations that implement existing statutes by establishing standards and procedures for the State Engineer to follow while administering the appropriation, allocation and use of surface water in the state. The regulations set out application procedures for permits to appropriate surface water and also set out application procedures for permits to change existing surface water rights. Additionally, the regulations establish procedures for the change of ownership of a surface water right, and for the lease of a surface water right. The regulations were effective 31 January 2005. The final regulations are available at <http://www.seo.state.nm.us/doing-business/Surface-Regs/SurfaceRulesRegs-2005-01 -31.pdf>. For additional information, please contact Paul Wells (505) 827-6120.

[\[Top\]](#)

## **OKLAHOMA**

## **Legislative/Regulatory Activity**

### **STATE OF OKLAHOMA PROPOSED LEGISLATION**

**(NEW) Oklahoma H.B. 1504 – Groundwater.** H.B. 1504 requires the Oklahoma Water Resources Board to consider any likely degradation or interference with springs or streams emanating from any groundwater basin in or partially in the state, in addition to other provisions, before making a final decision on an application. The bill assigns the burden of proof on applicants seeking use of a spring or stream emanating from a groundwater basin as to whether usage will degrade or interfere with state water resources. This bill was prefiled on 21 January 2005 and referred to the House Environment and Natural Resources Committee on 8 February. Prospects for consideration are fair. Representative Roan is a member of the minority party; however, he sits on the committee to which this bill was assigned. A hearing for this bill has not been scheduled. The proposed bill can be found at [http://www.lsb.state.ok.us/2005-06HB/HB1504\\_int.rtf](http://www.lsb.state.ok.us/2005-06HB/HB1504_int.rtf). Sponsor: Representative Paul Roan (D)

**(NEW) Oklahoma H.B. 1662 – Asbestos.** This bill grants the Commissioner of Labor the power and duty to develop and promulgate rules for the abatement of friable asbestos materials which shall be consistent with, and not more stringent than, federal standards and other requirements under 15 U.S.C., Section 2641 et. seq. for Asbestos Emergency Hazard Response. This bill was prefiled on 21 January 2005 and introduced on 7 February. The bill was referred to the House Commerce, Industry, and Labor Committee on 8 February. Prospects for consideration are fair. Representative Terrill is a member of the majority party; however, he does not sit on the committee of referral. A hearing for this bill has not been scheduled. The proposed bill can be found at [http://www.lsb.state.ok.us/2005-06HB/HB1662\\_int.rtf](http://www.lsb.state.ok.us/2005-06HB/HB1662_int.rtf). Sponsor: Representative Randy Terrill (R)

**(NEW) Oklahoma H.B. 1753 - Land Use.** OK House Bill 1753 establishes the intent of the Legislature to create a program to which local communities may apply to the state for a matching grant for critical infrastructure



improvements, encroachment issues, transportation and access needs, utilities, communications, housing, environment and security in order to prevent adverse realignment or military base closure. This bill was prefiled on 21 January 2005 for the 2005 legislative session. Prospects for consideration are uncertain at this time. Representative Braddock is a member of the minority party, and serves as the Deputy Minority Floor Leader. The proposed bill can be found at [http://www.lsb.state.ok.us/2005-06HB/HB1753\\_int.rtf](http://www.lsb.state.ok.us/2005-06HB/HB1753_int.rtf). Sponsor: Representative David Braddock (D)

**(NEW) Oklahoma S.B. 592 - Water Quality.** This bill clarifies statutory references regarding the duties of the Department of Environmental Quality in relation to water pollution. S.B. 592 states that ODEQ shall have the power and duty to develop comprehensive programs for the prevention, control and abatement of new or existing pollution of the waters of this state among numerous other duties. This bill was prefiled on 21 January 2005, introduced on 7 February and referred to the Senate Agriculture and Rural Development Committee on 8 February 2005. Prospects for consideration are favorable. Senator Lerblance is a member of the majority party, and sits on the committee to which this bill was assigned. Additionally, he is the Chairman of the Energy and Environment Committee. A hearing has not been scheduled for this bill. The proposed bill can be found at [http://www2.lsb.state.ok.us/2005-06SB/SB592\\_int.rtf](http://www2.lsb.state.ok.us/2005-06SB/SB592_int.rtf). Sponsor:

**(NEW) Oklahoma S.B. 597 - Water, Water Use, Water Conservation.** S.B. 597 requires the Oklahoma Water Resources Board to prepare an Oklahoma Water Resources Conservation Plan no later than 1 January 2008 and divides the state into nine regional water-planning districts. It also creates the Water Advisory Committee, to be appointed by the Governor, for the purpose of submitting any proposals to the Water Resources Board regarding the Water Resources Conservation Plan. The bill outlines factors for the Board to consider when preparing the Water Resources Conservation Plan. This bill was prefiled on 21 January 2005, introduced on 7 February and referred to the Senate Agriculture and Rural Development Committee on 8 February 2005. A hearing was held on 17 February. Prospects for consideration are favorable. Senator Gumm serves as an Assistant Majority Floor Leader. Speaker Pro Tempore, Representative Susan Winchester (R), introduced a similar bill in the House, H.B. 1717. The proposed bill can be found at [http://www2.lsb.state.ok.us/2005-06SB/SB597\\_int.rtf](http://www2.lsb.state.ok.us/2005-06SB/SB597_int.rtf). Sponsor: Senator Jay Paul Gumm (D)

**(UPDATE) Oklahoma S.B. 270 - Chemical Bans/Restrictions.** This bill requires ammonium nitrate to be secured to provide reasonable protection against vandalism, theft, or other unauthorized access. It permits ammonium nitrate fertilizer retailers to refuse to sell to persons attempting to purchase ammonium nitrate out of season, in unusual quantities, or under suspect purchase patterns. The bill also requires ammonium nitrate fertilizer retailers to record the date of sale and quantity, along with a valid state or federal driver license number, or other picture identification card number, current address, and the telephone number for the purchaser. The bill was prefiled on 12 January 2005, introduced 7 February and referred to the Senate Agriculture and Rural Development Committee on 8 February. The bill was heard on 15 February. Prospects for consideration are favorable. Senator Lawler is a member of the majority party, and she serves as the Chairperson of the Agriculture and Rural Development Committee. To access the bill, please go to [http://www2.lsb.state.ok.us/2005-06SB/SB270\\_int.rtf](http://www2.lsb.state.ok.us/2005-06SB/SB270_int.rtf). Sponsor: Senator Daisy Lawler (D)

## **STATE OF OKLAHOMA PROPOSED RULES**

**(NEW) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Water Pollution Control Facility Requirements (OAC 252:656).** ODEQ has proposed amendments to its water pollution control facility construction regulations to revise the procedures for wastewater treatment and collection system construction. The amendments also clarify requirements associated with construction at water pollution control facilities. Staff reports that the Water Quality Council did not have time to hold a public hearing regarding these amendments at the 18 January 2005 meeting but the Department plans to bring these amendments before the Council at its meeting scheduled for 3 May 2005. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

**(UPDATE) OK Department of Environmental Quality Proposed Regulation: Administrative Changes to Permits for Part 70 Sources Regulations (252:100-8-2, 100-8-4, 100-8-6, 100-8-6.1, 100-8-6.3, 100-8-7).** ODEQ has proposed administrative revisions to the regulations governing permits for Part 70 sources. The revisions include minor text changes to section 252:100-8-6. The revisions also correct references contained in section 252:100-8-2, paragraph 252:100-8-4(b)(10), paragraph 252:100-8-6.1(b)(2), subsection 100-8-6.3(a) and section 252:100-8-7. The references now refer to Chapter 252:4 which replaced Chapter 252:2. Staff reports that adopted revisions have been adopted and that these minor changes are final and are still scheduled to

become effective June 2005. The proposed revisions are available at <http://www.deq.state.ok.us/mainlinks/eqbinfo/04prules/604-100-8-REG.pdf>. For additional information, please contact Max Price at (404) 702-4177.

**(UPDATE) OK Department of Environmental Quality Proposed Rule Published 15 June 2004: Minor Correction to A Reference Error For PSD Requirements (252:100-3, 252:100-7).** The Department has proposed a rulemaking that make a minor amendment to Section 3-4 of Subchapter 3. The amendment corrects an error in a reference to the Prevention of Significant Deterioration requirements that were moved from Part 5 of Subchapter 7 to Part 7 of Subchapter 8. The Environmental Quality Board adopted the proposal at its 24 August 2004 meeting. Staff reports that the regulations are scheduled to become effective in June 2005. The proposed changes to Subchapter 3 and Subchapter 7 are available at [http://www.deq.state.ok.us/AQDnew/proposedrules/jul04/sc3\(6-15-04\).pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jul04/sc3(6-15-04).pdf) and at [http://www.deq.state.ok.us/AQDnew/proposedrules/jul04/sc7\(6-15-04\).pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jul04/sc7(6-15-04).pdf). For additional information, please contact Scott Thomas at (405) 702-4100.

**(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Increase Annual Operating Fees for Hazardous Air Pollutants and Updates to the State Toxics Program (OAC 252:100-5 And OAC 252:100-41).** ODEQ has proposed amendments to its air quality regulations that increase annual operating fees for stationary sources that emit hazardous air pollutants, toxic air contaminants and volatile organic compounds. The amendments revise the state air toxics program and relocate state-only requirements for emissions from stationary sources to a new Subchapter 42. The proposed effective date for the new Subchapter 42 is 1 October 2005. If the Department does not receive necessary funding, it will revoke Subchapter 42 before the effective date and maintain the current program in Subchapter 41. ODEQ will bring Subchapters 41, 42 and Appendix O before the Environmental Quality Board on 4 March 2005. The hearing on Subchapter 5 has been continued to 20 April 2005. The proposed revisions to Subchapters 5, 41 and 42 and Appendix O are available at [http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc5\\_121504.pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc5_121504.pdf), [http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc41\\_121704.pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc41_121704.pdf), [http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc42\\_121504.pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc42_121504.pdf) and [http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/appx\\_o\\_121504.pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/appx_o_121504.pdf). The Department will bring the proposal before the Environmental Quality Board 4 March 2005. For additional information, please contact Morris Moffett at (405) 702-4100.

**(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 September 2004: Amendments to Emissions Standards for Hazardous Air Pollutants (OAC 252:100-41-15).** ODEQ has proposed amendments to its regulations that govern emissions control for hazardous air pollutants and toxic air contaminants. The amendments update the effective date for the incorporation by reference of federal standards to include new national emission standards for hazardous air pollutants. The Council approved the changes and has forwarded them to the Environmental Quality Board for approval. The proposed amendments are available at [http://www.deq.state.ok.us/AQDnew/proposedrules/oct04/sc41IBR\(9-15-04\).pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/oct04/sc41IBR(9-15-04).pdf). For additional information, please contact Lisa Donovan at (405) 702-4100.

**(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 September 2004: Update to Incorporation by Reference of Federal New Source Performance Standards (OAC 252:100-4-5).** The Department has proposed amendments to its regulations that govern New Source Performance Standards. The amendments update the effective date to 1 September 2004 for the incorporation by reference of the federal standards. ODEQ held a public hearing on the proposed rules on 9 December 2004. Comments were due on that day. These amendments were withdrawn from consideration at the public hearing 9 December 2004 due to an incorrect notice. The proposal is available at [http://www.deq.state.ok.us/AQDnew/proposedrules/oct04/sc4\(9-15-04\).pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/oct04/sc4(9-15-04).pdf). For additional information, please contact Lisa Donovan at (405) 702-4100.

**(UPDATE) OK Department of Environmental Quality Proposed Regulation: Amendments to the State (Air) Toxics Program (OAC 252:100-41) Published 15 June 2004.** ODEQ has proposed updates to the State Toxics program in Chapter 41. The Department plans to adopt amendments that partition existing Subchapter 41 into two subchapters. The amendments would clarify and modify the state-only requirements for emissions from stationary sources, and relocate these requirements into a new Subchapter 42 and Appendix O. Subchapter 41 would contain the federal requirements for Hazardous Air Pollutants and Asbestos. The Department is also proposing to add the 24-hour and annual PM<sub>2.5</sub> standards to the Primary and Secondary Ambient Standards in Appendices E and F. The Air Quality Council meeting scheduled for 20 August 2004 was cancelled. The public hearing was held instead on 9 December 2004. Comments were due on that day. The Air Quality Council continued

the hearing on these regulations to 19 January 2005 after deciding to remove the outdated Appendices E and F. Comments for that hearing were due on 12 January 2005. The Council approved the amendments to Subchapters 41, 42 and Appendix O on 19 January 2005. The Department brought the proposal before the Environmental Quality Board 4 March 2005. The updated changes to Subchapter 41 and Subchapter 42 are available at [http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc41\\_121704.pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc41_121704.pdf) and [http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc42\\_121504.pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc42_121504.pdf). New Appendix O is available at [http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/appx\\_o\\_121504.pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/appx_o_121504.pdf). For additional information, please contact Dawson Lasseter at (405) 702-4100.

**(UPDATE) OK Department of Agriculture, Food and Forestry Proposed Regulation Published 1 September 2004: Repeal of Restricted Zones for the Application of Hormone Type Pesticides (OAC 35:30-17-31 through 35:30-17-53).**

The Department of Agriculture, Food and Forestry has proposed the repeal of the regulations that allow establishment of restricted areas for the application of hormone type pesticides. The current regulations restrict the application of hormone type pesticides in certain areas without a special permit. The Department of Agriculture is proposing the repeal of the regulations due to the passage of House Bill 2402 in the 2004 legislative session that revokes the Department's authority to establish the restricted areas. Staff reports that these regulations require legislative review. Staff anticipates that they will become final by the end of June 2005. For additional information, please contact Teena Gunter at (405) 522-4576.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**(UPDATE) OK Department of Environmental Quality Proposed SIP Revisions: Attainment of the 8-Hour Ozone Standard in OK.** ODEQ has proposed early State Implementation Plan (SIP) submittals for Oklahoma City and Tulsa to address attainment of the 8-hour ozone standard in Oklahoma. The early SIP submittal would be the result of a local Early Action Compact (EAC). The Early Action Compact concept allows an area to defer on official designation of non-attainment for ozone if an early approvable SIP is submitted. The Department submitted the revisions to USEPA at the end of December 2004. The proposed Oklahoma City and Tulsa SIP submittals are available at [http://www.deq.state.ok.us/AQDnew/whatsnew/SIP/EAC\\_SIP.htm](http://www.deq.state.ok.us/AQDnew/whatsnew/SIP/EAC_SIP.htm). For additional information, please contact Leon Ashford at (405) 702-4173.

[\[Top\]](#)

## **TEXAS**

## **Legislative/Regulatory Activity**

### **STATE OF TEXAS PROPOSED LEGISLATION**

**(NEW) Texas H.B. 152 - Land Use.** H.B. 152 relates to a project of a development corporation in connection with a military base. This bill includes land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements required or suitable for the promotion or support of a military base in active use to prevent the possible future closure or realignment of the base to be within the scope of the term "project" under the Development Corporation Act of 1979. The bill was prefiled on 18 November 2004 and referred to the Defense Affairs and State-Federal Relations Committee on 31 January. Prospects for consideration are unfavorable. The sponsor is a member of the minority party and does not sit on the committee of referral. Representative Dianne Delisi (R) has introduced competing legislation (see H.B. 548, below). The committee has not yet begun to schedule bill hearings. To view the bill, please go to <http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=R&CHAMBER=H&BILLTYPE=B&BILLSUFFIX=00152&VERSION=1&TYPE=B>. Sponsor: Representative Mark Homer (D)

**(NEW) Texas H.B. 548 - Land Use.** This bill adds military facilities to the definition of projects under the Development Corporation Act of 1979 and expands "projects" to include infrastructure, improvements, land acquisition, buildings, or expenditures that promote or support a military base to prevent closure, attract a new military base or redevelop a base that has been closed or realigned. The bill was introduced on 25 January 2005 and referred to the Defense Affairs and State-Federal Relations Committee on 7 February. Prospects for consideration are favorable. The sponsor is a member of the majority party but does not sit on the committee of referral. The committee has not yet begun to schedule bill hearings. To access the bill, please go to <http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=R&CHAMBER=H&BILLTYPE=B&BILLSUFFIX=00548&VERSION=1&TYPE=B>. Sponsor: Representative Dianne White Delisi (R)  
Companion Bill: S.B. 252

(UPDATE) **Texas H.B. 86 - Environmental Administrative Procedures.** This bill creates a system of rewards and incentives for a positive compliance history with the Texas Commission on Environmental Quality. It was introduced 8 November 2004 and referred to the Environmental Regulation Committee on 31 January 2005. Prospects for consideration are favorable. The sponsor is a second term member of the majority party and sits on the committee of referral. The proposed bill can be found at <http://www.capitol.state.tx.us/tlo/79R/billtext/HB000861.HTM>. Sponsor: Representative Wayne Smith (R)

(UPDATE) **Texas H.B. 116 - Land Use.** Texas H.B. 116 establishes a program to provide grants to make voluntary purchases of development rights in real property including land for open spaces. Prospects for consideration are uncertain. The sponsor is a member of the majority party. The bill was pre-filed on 15 November 2004 and referred to the Natural Resources Committee on 31 January 2005. To view the bill, please go to <http://www.capitol.state.tx.us/tlo/79R/billtext/HB001161.HTM>. Sponsor: Representative Charlie Geren (R)

(UPDATE) **Texas H.B. 217 - Noise Pollution.** Texas House Bill 217 gives authority to certain counties to enact noise regulations. The prospects for consideration are uncertain. The sponsor is a member of the minority party. The bill was prefiled on 14 December 2004 and referred to the Urban Affairs Committee on 1 February 2005. Prospects for consideration are fair. The sponsor is a member of the minority party but does sit on the committee of referral. The committee has not yet begun to schedule bill hearings. To access the bill, please go to <http://www.capitol.state.tx.us/tlo/79R/billtext/HB002171.HTM>. Sponsor: Representative Kevin Bailey (D)

CREO Comment: This bill applies to counties with a population in excess of 3.3 million. The only county meeting that criterion is Harris County. The city of Houston is located entirely in Harris County.

(NEW) **Texas S.B. 252 - Land Use, Sustainability, BRAC Authorizing Legislation.** S.B. 252 adds military facilities to the definition of projects under the Development Corporation Act of 1979 and expands "projects" to include infrastructure, improvements, land acquisition, buildings, or expenditures that promote or support a military base to prevent closure, attract a new military base or redevelop a base that has been closed or realigned. The bill was introduced on 25 January 2005 and referred to the Committee on Veterans Affairs and Military Installations and the subcommittee on Base Realignment & Closure on 3 February. Prospects for consideration are favorable. The sponsor is a member of the majority party and serves as the vice chair of the full committee of referral and sits on the subcommittee of referral. The subcommittee has not yet scheduled the first bill hearings. Also see companion bill, H.B. 548. To access the bill, please go to <http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=R&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=00252&VERSION=1&TYPE=B>. Sponsor: Senator Craig Estes (R)  
Companion Bill: H.B. 548

(UPDATE) **Texas S.B. 123 - Air, Air Pollution Prevention.** This bill pertains to air quality control measures pursuant to an early action compact. Prospects for consideration are uncertain. The sponsor is a member of the majority party. This measure is a bill prefiled on 20 December 2004 and referred to the Natural Resources Committee on 1 February. Prospects for consideration are uncertain. The sponsor is a member of the minority party, but does sit on the committee of referral. The committee has not yet scheduled its first bill hearings. The committee is likely to begin hearing bills at the February 22 meeting. To view the bill, please go to <http://www.capitol.state.tx.us/tlo/79R/billtext/SB001231.htm>. Sponsor: Senator Gonzalo Barrientos (D)

## **STATE OF TEXAS FINAL RULES**

**(Effective 1 April 2005) TX Commission on Environmental Quality Final Regulation and Proposed SIP Revision: Extension of Compliance Date for Cooling Towers with Highly Reactive Volatile Organic Compounds (HRVOC) (30 TAC 115.769).** The Commission has adopted a rule package that extends the compliance date for cooling towers with highly reactive volatile organic compounds (HRVOC) from 31 December 2004 to 31 December 2005. This amendment makes the compliance date for cooling towers the same as the potential compliance dates for HRVOC flares and vent gas streams in the eight county Houston/Galveston ozone non-attainment areas. This rule was promulgated in accordance with recently adopted amendments to the regulations governing Volatile Organic Compound Transfer Operations and Highly-Reactive Volatile Organic Compounds, and will be submitted with the state implementation plan (SIP) to the United States Environmental Protection Agency (EPA). The rules are final, effective 1 April 2005. The rules were submitted to USEPA for approval and inclusion in the SIP. Staff reports that the Commission expects USEPA approval for the revisions by spring 2005. The adopted rule is



available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/adoptions/04008115\\_ado.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04008115_ado.pdf). For additional information, please contact Alan Henderson at (512) 239-1510.

**(Effective 1 January 2005) TX Department of State Health Services Final Regulation Published 29 October 2004: Amendments to Standards for Lead-Based Paint Activities (25 TAC 295.202, 295.204-.212, 295.214-.216, 295.220).** The Department has adopted revisions to its regulations that govern the certification, accreditation and standards for lead-paint activities. The revisions phase out three-year accreditations through the renewal of such accreditations for two-year terms upon expiration. They also phase out three-year certifications in the same manner. Additionally, the revisions authorize the Department to collect subscription and convenience fees. Staff reports that the regulations are final, effective 1 January 2005. The revisions are available in the 29 October 2004 TX Register beginning on page 95: <http://www.sos.state.tx.us/texreg/pdf/curview/1029prop.pdf>. For additional information, please contact Alan Morris (512) 834-6600.

## **STATE OF TEXAS PROPOSED RULES**

**(UPDATE) TX Commission on Environmental Quality Draft Regulation: Amendments to Stage I and Stage II Vapor Recovery Rules (2005-001-115-AI) (30 TAC 115).** TCEQ has drafted amendments to its Stage I and Stage II Vapor Recovery regulations. The amendments make minor revisions to the regulations to allow for the use of new technologies. The amendments specify that those regulated may use equipment and systems certified by third parties in addition to those certified by the California Air Resources Board. The Commissioners approved the draft on 17 November 2004. TCEQ held a public hearing 3 January 2005 and comments were due on that day. The Commission has set a tentative adoption date of 23 March 2005 for these amendments. The proposed amendments are at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/proposals/05001115\\_pro.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/proposals/05001115_pro.pdf). For additional information, please contact Joseph Thomas (512) 239-4580.

**(UPDATE) TX Commission on Environmental Quality Proposed and Adopted SIP Revision: Early Action Compact Plans.** TCEQ is proposing revisions to the SIP that incorporates Early Action Compact Plans submitted to the Commission at the end of March 2004. The plans are for the three near non-attainment areas of Austin-San Marcos, San Antonio, and Northeast Texas. These three areas each entered into an EAC with TCEQ and EPA, and committed to developing Clean Air Action plans for the attainment and maintenance of the 8-hour ozone standard within the areas. The Commission adopted the revisions 17 November 2004. Staff reports that the revisions were submitted to USEPA in December 2004. Staff is unsure when USEPA will approve the revisions. The EAC plans for the Austin, San Antonio and Northeast Texas areas are available at [http://www.tnrcc.state.tx.us/oprd/sips/AUS\\_EAC\\_032904.pdf](http://www.tnrcc.state.tx.us/oprd/sips/AUS_EAC_032904.pdf), [http://www.tnrcc.state.tx.us/oprd/sips/SA\\_EAC\\_ExecSum\\_033104.pdf](http://www.tnrcc.state.tx.us/oprd/sips/SA_EAC_ExecSum_033104.pdf), and [http://www.tnrcc.state.tx.us/oprd/sips/NET\\_EAC\\_033104.pdf](http://www.tnrcc.state.tx.us/oprd/sips/NET_EAC_033104.pdf). For additional information, please contact Gerry Wolfe (512) 639-4703.

**(UPDATE) TX Commission on Environmental Quality Proposed Regulation: Consideration of Amendments to Compliance Dates for Low Emission Diesel Standards (2005-008-114-AI) (30 TAC §§114.312 - 114.319).** TCEQ has been prompted by a 3rd party petition requesting the extension of compliance dates for low emission diesel fuel standards to recommend revisions to its low emission diesel rules. TCEQ will recommend that the Commissioners grant the petition with some revisions and will recommend delaying the effective date for compliance for diesel fuel that may ultimately be used to power a diesel-fueled compression-ignition engine in a motor vehicle or in non-road equipment from 1 April 2005 to 1 October 2005. TCEQ will also recommend the addition of language to clarify what constitutes "adequate enforcement provisions" for the alternative emission reduction plans allowed by the rules recommend the use of new nitrogen oxide reduction calculation models developed by EPA to determine whether an alternative diesel fuel formulation is equivalent to the Texas Low Emission Diesel standards. The Commission has set a tentative date of 23 March 2005 for adoption. The proposal is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/proposals/05008114\\_proCLEAN.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/proposals/05008114_proCLEAN.pdf). For additional information, please call Clifton Wise at (512) 239-2263.

**(UPDATE) TX Commission on Environmental Quality Proposed Regulation Published 3 December 2004: Amendments to Transportation Conformity Regulations for Consistency with Federal Changes (2005-002-114-AI) (30 TAC 114.260).** TCEQ has proposed amendments to its transportation conformity regulations. The amendments incorporate by reference the 1 July 2004 federal changes. The changes include the application of conformity for one-hour non-attainment or maintenance areas until the effective date of



revocation of the one-hour ozone National Ambient Air Quality Standard; for eight-hour attainment areas with or without Motor Vehicle Emission Budgets; for PM<sub>2.5</sub> non-attainment and maintenance areas; for areas with limited maintenance plans; and for areas with insignificant motor vehicle emissions. TCEQ has set a tentative adoption date of 27 April 2005 for these amendments. The draft amendments are available at [http://www.tnrc.state.tx.us/oprd/rule\\_lib/proposals/05002114\\_pro-clean.pdf](http://www.tnrc.state.tx.us/oprd/rule_lib/proposals/05002114_pro-clean.pdf). For additional information, please contact Debra Barber (512) 239-0412.

**(UPDATE) TX Commission on Environmental Quality Proposed Regulation: Revisions to NO<sub>x</sub> Rule to Implement Increment of Progress Control Measures (2005-004-117-AI) (30 TAC 117).** TCEQ has proposed amendments to its regulations that govern NO<sub>x</sub> emissions. The amendments revise NO<sub>x</sub> control measures on lean-burn and rich-burn internal combustion engines in order to meet EPA requirements for the NO<sub>x</sub> portion of the 5% Increment of Progress State Implementation Plan revision in the Dallas/Fort Worth Ozone non-attainment area. The amendments also clarify requirements for businesses that meter and monitor NO<sub>x</sub> emissions in ozone non-attainment areas. TCEQ has set a tentative adoption date of 27 April 2005 for these amendments. The proposed amendments are available at [http://www.tnrc.state.tx.us/oprd/rule\\_lib/proposals/05004117\\_pro.pdf](http://www.tnrc.state.tx.us/oprd/rule_lib/proposals/05004117_pro.pdf). For additional information, please contact Emily Barrett (512) 239-3546.

**(UPDATE) TX Commission on Environmental Quality Draft Regulation: Revisions to VOC Rules for the Dallas/Fort Worth Non-attainment Area (2005-005-115-AI) (30 TAC 115.10, 115.229 and 115.429).** The Commission has proposed amendments to its regulations that control pollution from VOCs. The revisions expand VOC control requirements for the Dallas/Fort Worth non-attainment area to include all counties. The revisions also require operators of fuel dispensing facilities in Ellis, Johnson, Kaufman, Parker and Rockwall counties that dispense between 10,000 and 125,000 gallons of gasoline in a month to implement Stage I vapor recovery controls. The revisions require operators of surface coating facilities in Ellis, Johnson, Kaufman, Parker and Rockwall counties to implement VOC emissions control measures. TCEQ has set a tentative adoption date of 13 April 2005 for these amendments. Updated amendments are available at [http://www.tnrc.state.tx.us/oprd/rule\\_lib/proposals/05005115\\_proCLEAN.pdf](http://www.tnrc.state.tx.us/oprd/rule_lib/proposals/05005115_proCLEAN.pdf). For additional information, please contact Emily Barrett at (512) 239-3546.

**(NEW) TX Commission on Environmental Quality Draft Regulation: New Source Review for 8 Hour Ozone Standard (2005-009-116-AI) (30 TAC 101, 30 TAC 116).** The Commission has drafted amendments to its regulations that govern the permitting of new sources of air pollution. The amendments revise the regulations to make them consistent with changes to the federal non-attainment designations for Texas for the 1 hour and 8 hour ozone standards. The amendments also revise the definition of Volatile Organic Compound (VOC) by deleting the current list of compounds and adding a reference to the federal definition of VOC. TCEQ reviewed the draft amendments for approval on 9 February 2005. The draft amendments to Chapters 101 and 116 are available at [http://www.tnrc.state.tx.us/oprd/rule\\_lib/proposals/05009101\\_pro.pdf](http://www.tnrc.state.tx.us/oprd/rule_lib/proposals/05009101_pro.pdf) and [http://www.tnrc.state.tx.us/oprd/rule\\_lib/proposals/05009116\\_pro.pdf](http://www.tnrc.state.tx.us/oprd/rule_lib/proposals/05009116_pro.pdf). For additional information, please contact Michael Bame at (512) 239-5658.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**(NEW) TX Commission on Environmental Quality Departmental Discussion: Updates to Federal New Source Review Permitting in State Implementation Plan (30 TAC 116).** TCEQ is discussing a rulemaking to update federal New Source Review permitting in the State Implementation plan. The updates revise permitting requirements for federal Prevention of Significant Deterioration and non-attainment projects. The Commission plans to propose the rulemaking in summer 2005. For additional information, please contact Alan Henderson at (512) 239-1510.

**(NEW) TX Commission on Environmental Quality Departmental Discussion: Revisions to Permits By Rule for Stationary Engines and Turbines (30 TAC 106.512).** TCEQ is discussing a rulemaking to amend its regulations that govern permits by rule for gas or liquid fuel-fired stationary internal combustion reciprocating engines or gas turbines. The amendments streamline and clarify the permitting requirements. The Commission tentatively plans to propose amendments in late May 2005. For additional information, please contact Alan Henderson at (512) 239-1510.

**(NEW) TX Commission on Environmental Quality Departmental Discussion: Revisions to Sludge Regulations (30 TAC 312).** The Commission is discussing a rulemaking to amend its sludge regulations. The

amendments reflect changes made to the sludge provisions of the Texas Health and Safety Code by HB 2546. The amendments update application and permit requirements for the use, processing, storage, disposal, and transportation of municipal sewage sludge, water treatment sludge, and domestic septage. TCEQ is tentatively planning to propose the amendments in March or April 2005. *For additional information, please contact Debi Dyer at (512) 239-3972*

**(UPDATE) TX Commission on Environmental Quality Proposed Report: Water Quality Inventory And 303(d) List.** TCEQ has issued a revised 2004 Draft Water Quality Inventory and 303(d) List report for public comment. The revision lists the changes made to the list since the Commission originally released it in January 2004. The Commission is soliciting comments on: (1) any new information contained in its 2004 Assessments of Individual Water Bodies; (2) categories assigned to parameters where new information has caused the category to change; (3) guidance changes indicated as new and not implemented previous to 2004; and (4) TMDL ranking. Staff reports that the Commission is currently making minor changes to the list based upon comments received. Staff anticipates that the list will be submitted to USEPA for review and approval in spring 2005. The revised draft is available online at [http://www.tnrc.state.tx.us/water/quality/04\\_twqi303d/ChangesSinceJan23.pdf](http://www.tnrc.state.tx.us/water/quality/04_twqi303d/ChangesSinceJan23.pdf). *For additional information, please call Michelle Blair at (512) 239-4741.*

**(UPDATE) TX Commission on Environmental Quality Departmental Discussion: Revision of Official Maps for Edwards Aquifer Recharge Zone (2003-029-213-WT) (30 TAC 213.3 (27)).** The Commission is revising the official maps for the Edwards Aquifer recharge zone that are incorporated by reference in 30 TAC 213.3 (27). Owners or developers of land in certain areas that are currently in transition or contributing zones may be directly affected by re-designation of those areas as recharge zone. The tentative hearing date is scheduled for 6 April 2005 and the tentative comment due date is 25 April 2005. *For additional information, please contact Debi Dyer at (512) 239-3972.*

**(UPDATE) TX Commission on Environmental Quality Proposed Report: 2002 Integrated Water Quality Monitoring and Assessment Report.** TCEQ adopted the impaired waterbody assessments for: (1) Canadian River Basin; (2) Red River Basin; (3) Sulphur River Basin; (4) Sabine River Basin; (5) Neches River Basin; (6) Neches-Trinity Coastal Basin; (7) Cypress River Basin; (8) Trinity River Basin; (9) Trinity-San Jacinto Coastal Basin; (10) San Jacinto River Basin; (11) San Jacinto-Brazos Coastal Basin; (12) Brazos River Basin; (13) Brazos-Colorado Coastal Basin; (14) Colorado River Basin; (15) Colorado-Lavaca Coastal Basin; (16) Lavaca River Basin; (17) Lavaca-Guadalupe Coastal Basin; (18) Guadalupe River Basin; (19) San Antonio River Basin; (20) San Antonio-Nueces Coastal Basin; (21) Nueces River Basin; (22) Nueces -Rio Grande River Basin; (23) Rio Grande river Basin; (24) Bays and Estuaries; and (25) Gulf of Mexico. The Commission has combined the 303(d) list of impaired waters and the 305(b) methodology for identifying impaired waters, and has released the proposed 2002 Water Quality Monitoring and Assessment report. The Integrated Report is a summary of the status of surface waters in the state, in accordance with new draft guidance issued by the USEPA. The Integrated Report will be used by TCEQ for management decisions including monitoring, planning, and implementing; for funding best management practices to control pollution sources; and to develop a list of impaired waters for the purpose of selecting water bodies for which total maximum daily load analyses will be initiated. Staff reports that they expect USEPA approval on the 2002 303(d) list by spring 2005. The final draft is available online at [http://www.tnrc.state.tx.us/water/quality/02\\_twqmar/index.html](http://www.tnrc.state.tx.us/water/quality/02_twqmar/index.html). *For additional information, please call Michelle Blair at (512) 239-4741.*

**(FINAL REPORT) TX Commission on Environmental Quality Draft Plan: October 2004 Update to Water Quality Management Plan.** The Commission has issued a final October 2004 update of the Water Quality Management Plan (WQMP). The WQMP is developed and promulgated in accordance with the requirements of the Federal Clean Water Act (CWA), Chapter 208. The October 2004 contains projected effluent limit updates. The report is final, effective 7 December 2004. The final report is available at [http://www.tnrc.state.tx.us/permitting/waterperm/wqmp/oct\\_04\\_final.pdf](http://www.tnrc.state.tx.us/permitting/waterperm/wqmp/oct_04_final.pdf). *For additional information, please call Nancy Vignali at (512) 239-1303.*

**Proposed Rule: EPA Approval and Promulgation of Texas Air Quality Implementation Plans, Revisions to Control Volatile Organic Compound Emissions from Consumer Related Sources.** EPA is proposing to approve Texas State Implementation Plan (SIP) revisions. The revisions pertain to regulations to control volatile organic compound (VOC) emissions from consumer related sources. The control of VOC emissions will help to attain and maintain national ambient air quality standards for ozone in Texas. This approval makes the

revised regulations Federally enforceable. For additional information, please go to <http://www.epa.gov/fedrgrstr/EPA-AIR/2005/February/Day-10/a2615.htm>.

[Top]

## REGION 7 STATE ACTIVITY

### Regulatory & Legislative Web Sites

Iowa Department of Natural Resources (IDNR)	<a href="http://www.state.ia.us/dnr/">http://www.state.ia.us/dnr/</a>
Iowa General Assembly	<a href="http://www.legis.state.ia.us/">http://www.legis.state.ia.us/</a>
Kansas Department of Health and Environment (KDHE)	<a href="http://www.kdhe.state.ks.us">http://www.kdhe.state.ks.us</a>
Kansas Legislature	<a href="http://www.kslegislature.org/cgi-bin/index.cgi">http://www.kslegislature.org/cgi-bin/index.cgi</a>
Missouri Department of Natural Resources (MDNR)	<a href="http://www.dnr.state.mo.us/homednr.htm">http://www.dnr.state.mo.us/homednr.htm</a>
Missouri General Assembly	<a href="http://www.moga.state.mo.us/">http://www.moga.state.mo.us/</a>
Nebraska Department of Environmental Quality (NDEQ)	<a href="http://www.deq.state.ne.us">http://www.deq.state.ne.us</a>
Nebraska Legislature	<a href="http://www.unicam.state.ne.us/">http://www.unicam.state.ne.us/</a>

## IOWA

## Legislative/Regulatory Activity

### STATE OF IOWA PROPOSED LEGISLATION

(NEW) **Iowa H.F. 58 – Wetlands.** This bill protects existing and establishes a comprehensive program to identify new wetland areas. It requires the Department of Natural Resources to create and maintain a list of mitigated wetlands, makes violation of wetland regulations on more than 5 square yards of land a serious misdemeanor, and violations involving 5 square yards or less a simple misdemeanor and finally, establishes daily fines of \$100-\$1,000 for violation. The bill was introduced and referred to the Environmental Protection Committee on 12 January 2005 and referred to subcommittee on 18 January. Prospects for consideration are favorable. The bill has been referred to a subcommittee of the Environmental Protection Committee. Although the sponsor is minority party, the bill does not need to receive further consideration from the full committee after passing the subcommittee. The draft bill can be viewed at <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&menu=true&hbill=HF58>. Sponsor: Representative Pam Jochum (D)

(NEW) **Iowa H.F. 132 - Conservation, Environmental Administrative Procedures.** H.F. 132 creates a permanent division within the Department of Natural Resources called the Soil and Water Conservation Division. This division replaces the Soil Conservation Division within the Department of Agriculture and Land Stewardship. The bill was introduced and referred to Agriculture Committee on 25 January 2005 and referred to subcommittee on 26 January. Prospects for consideration are favorable. The sponsor is a member of the majority party and sits on the full committee and subcommittee of referral. In Iowa, a bill does not need to receive further consideration from the full committee after passing the subcommittee. The draft bill can be viewed at <http://coolice.legis.state.ia.us/legislation/Bills/HouseFiles/Introduced/HF132.h tml>. Sponsor: Representative Sandy Greiner (R)

(NEW) **Iowa S.F. 81 - Environmental Administrative Procedures, Abandoned Property.** This bill requires a person holding a national pollutant discharge elimination system program permit to post as sign of at least 18 by 24 at all discharge points to surface waters. S.F.81 was introduced and referred to the Natural Resources and Environment Committee on 27 January 2005 and referred to subcommittee on 9 February. Prospects for consideration are favorable. The sponsor is a member of the committee of referral and there is no majority party in power. The sponsor is also a member of the subcommittee of referral and serves in Democrat leadership as an assistant leader. The draft bill can be viewed at <http://coolice.legis.state.ia.us/legislation/Bills/SenateFiles/Introduced/SF81.h tml>. Sponsor: Senator Joe Bolkcom (D)

(NEW) **Iowa S.F. 82 – Pesticides.** This bill prohibits the application of a pesticide within a city or within 25 feet of any creek, stream, river, drainage ditch, pond or lake. Further, it establishes a penalty of \$500 for each violation of this provision. It was introduced and referred to the Local Government Committee on 27 January 2005. The bill was referred to subcommittee 31 January. Prospects for consideration are favorable. The sponsor does not sit on the committee of referral but the sponsor does serve as an assistant majority leader. The draft bill can be viewed at

## **STATE OF IOWA PROPOSED RULES**

### **(UPDATE) A Department of Natural Resources Draft Regulation: New Source Review Reform Regulations.**

IDNR is discussing the New Source Review Reform regulations. The rulemaking includes 6 major areas: (1) plant-wide applicability limits (PALs); (2) clean unit test; (3) pollution control project exclusion; (4) actual emissions baseline; (5) actual-to-projected actual tests; and (6) routine maintenance, repair and replacement. Staff went before the Environmental Protection Commission at their 20 December 2004 meeting. The rule was discussed again at the 18 January 2005 EPC meeting; however, staff has not scheduled any public hearings. To view the regulations, please go to <http://www.iowadnr.com/air/prof/const/nsrreform.html>. For additional information, please contact Jim McGraw at (515) 242-5167.

### **(UPDATE IA Department of Natural Resources Proposed Rule: Special Requirements for Visibility Protection, BART (Chapter 22).**

The Department is proposing regulations to identify stationary sources of air pollution potentially subject to the Best Available Retrofit Technology (BART) emission control requirements. Regional haze is visibility impairment at federal mandatory Class I areas (i.e., national parks and wilderness areas). It is caused by tiny particles that absorb and scatter sunlight, giving the sky a veil of white and brown haze. Previous federal regulations addressed visibility impairment attributable to specific sources. The Regional Haze Regulations address visibility impairment resulting from air pollution transported hundreds of miles and attributable to the cumulative emissions from widely distributed sources. IDNR has been meeting with a representative group of potential BART-eligible sources regarding the BART requirements and the timeline mandated by the federal regulations for implementation. Currently, the Department anticipates this rule will impact emission units at approximately 40 facilities. Written comments were due 14 January 2005. IDNR staff is reviewing comments. The document can be viewed at <http://www.iowadnr.com/epc/04oct/14.pdf>. For additional information, please contact Chad Daniel at (515) 242-6494.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

### **(UPDATE) IA Department of Natural Resources Departmental Discussion: Onsite Wastewater Treatment and Disposal Systems (567 IAC 69).**

The Department is discussing a rulemaking to update the wastewater treatment and disposal systems rules. The rules are periodically updated and it is unknown at this time what revisions will take place. The IDNR has appointed a stakeholder's committee to review the rules. IDNR has a target of spring 2005 to have a draft available. For additional information, please contact Brent Parker at (515) 725-0337.

### **(UPDATE) IA Department of Natural Resources Departmental Discussion: Emissions Standards for Contaminants (567 IAC 23).**

IDNR is discussing a rule to amend the emissions standards for contaminants for the controlled burning of demolished buildings. The following changes to the current exemption for controlled burning of a demolished building are proposed: (1) Decrease the number of demolished buildings that can be burned within a 0.6 mile radius within the city limits from three burns in three years to one burn per calendar year; (2) Add a two year record retention period for burns conducted within the city limits; (3) Allow cities to establish a site outside of the city limits for demolished building burns. The burn site must have controlled access and be supervised at all times by city staff. The site must be at least 0.6 mile away from any inhabited building. The city may burn up to 1700 square feet of building material per day between the hours of 6 a.m. and 6 p.m.; (4) Establish record keeping requirements and a two year record retention period for demolished building burns conducted outside of the city limits; and (5) Add landscape waste and residential waste to the list of materials that may not be burned in the controlled burn of a demolished building. An informational meeting will be held 15 December 2004. A public hearing was held on 10 January 2005. The public comment period on the proposed rules closed 17 January 2005. IDNR staff is reviewing comments. The draft is available online at <http://www.iowadnr.com/epc/04aug16/7.pdf> and <http://www.iowadnr.com/epc/04nov/14.pdf>. For additional information, please call Jim McGraw at (515) 242-5167.

**CREO Comment:** Consultation with IDNR indicates that these regulations will only apply within city limits and that IDNR does not anticipate that it would be applicable at DoD installations.

## **STATE OF KANSAS PROPOSED LEGISLATION**

(UPDATE) **Kansas H.B. 2019 Encroachment Restrictions.** H.B. 2019 allows the governing body of a city or county to create, enlarge or dissolve encroachment restriction districts in the manner provided by Section 1(c) of the bill. This section states that any person who owns or possesses any property may submit an application for the creation, enlargement or dissolution of an encroachment restriction district to the governing body of the city in the case of property located within the corporate limits of a city or to the board of county commissioners in the case of property located outside the corporate limits of a city. Such application shall be on a form provided by the governing body. The bill requires that the application shall be accompanied by any information deemed necessary by the governing body including, but not limited to, the specific encroachment restrictions requested such as light, noise, height and distance requirements and the reasons such restrictions are necessary or requested. To view this bill please go to <http://www.kslegislature.org/bills/2006/2019.pdf>. Sponsor: Tom Sloan (R)

CREO Comment: CREO has learned that H.B. 2019 did not pass committee review.

(NEW) **Kansas H.B. 2030 - Takings, Eminent Domain.** This bill requires that a governing body of a city or county desiring to take land for economic development purposes shall adopt a resolution stating that the city or county is considering taking land, describing the boundaries and giving notice that a public hearing will be held. The bill also provides requirements for advertising a public hearing for takings by way of eminent domain authority. H.B. 2030 was introduced and referred to the Governmental Organization and Elections Committee on 10 January 2005 but was withdrawn from Committee and referred to Judiciary Committee on 21 January. Prospects for consideration are good because the House Special Committee on the Judiciary introduced the bill. To view this bill please go to <http://www.kslegislature.org/bills/2006/2030.pdf>. Sponsor: Kansas Special Committee on the Judiciary

## **STATE OF KANSAS FINAL RULE**

**(Effective 3 December 2004) KS Department of Health and Environment Final Regulation: Adoption of Consolidated Air Rule.** The KDHE finalized the adoption of the federal Consolidated Air Rule (CAR). CAR maintains the current levels of health and environmental benefits from the 16 existing rules, which are currently reducing emissions of volatile organic compounds (VOCs) and air toxics to the atmosphere. The rule became effective 3 December 2004. *For additional information, please contact Ralph Kieffer at (785) 296-6428.*

## **STATE OF KANSAS PROPOSED RULE**

(UPDATE) **KS Department of Health and Environment Proposed Regulation: Municipal, Commercial, and Industrial Wastewater Lagoon Liner Requirements.** The KDHE is proposing regulations addressing municipal, commercial, and industrial wastewater lagoon liner requirements. The Department's goal is to develop and promulgate groundwater protection practices for sensitive groundwater areas in the state and specifically to address the Equis Beds Aquifer. These regulations address: (1) the design, construction, and operation of wastewater lagoons that serve municipal, commercial, and industrial facilities; (2) convert current policies regarding industrial wastewater pond liners into regulations that will make them an enforceable part of the Minimum Standards of Design for Water Pollution Control Facilities-1978; (3) update provisions to the Minimum Standards of Design for Water Pollution Control Facilities to reflect current technology and recent information regarding the effectiveness of earthen lagoons for the containment and treatment of wastewater; and (4) provide uniformity in regard to the Department's approach to design, construction, and use of wastewater lagoon systems serving municipal, commercial, and industrial facilities. The redraft of the lagoon regulations are currently in the internal review process. Staff does not have a target date for the final version. The proposed regulation is at <http://www.kdhe.state.ks.us/indust/ProposedLinerRegs.htm>. *For additional information, please contact Dorothy Geisler at (785) 296-5545.*



## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

(UPDATE) **KS Department of Health and Environment Draft TMDL: Chloride TMDL for Lower Arkansas Basin.** The Department has developed chloride TMDLs for the Lower Arkansas Basin. The water bodies which will receive TMDLs include: segments of the Arkansas River, Turkey Creek, Cow Creek, and the Upper Little Arkansas River. Five additional TMDLs will be developed including: (1) Arkansas River reaches from Maize to Derby (S of Wichita); (2) Arkansas River from Derby to the Oklahoma state line; (3) Cow Creek above Hutchinson; (4) Turkey Creek; and (5) the Little Arkansas River north of Wichita. A draft TMDL for chloride along the Arkansas River from Hutchinson to Maize is now complete. Public hearings have yet to be scheduled. Staff has delayed the TMDL until TMDLs in the Neosho and Smoky Hill Basins are completed. Staff hopes to submit the TMDL to USEPA in the fall of 2005. The TMDL document can be viewed at [http://www.kdhe.state.ks.us/tmdl/la/hutch\\_cl.pdf](http://www.kdhe.state.ks.us/tmdl/la/hutch_cl.pdf). For additional information, please contact Tom Stiles at (785) 296-6170.

(UPDATE) **KS Department of Health and Environment Departmental Discussion: Adoption of Federal Regulations Through 30 June 2002.** KDHE is planning amendments to the hazardous waste regulations to adopt federal regulations issued through 30 June 2002. Staff has been working on drafting the rule, which is expected to be available for public notice sometime in early 2005. For additional information, please contact George McCaskill at (785) 296-1606.

CREO Comment: CREO will be closely monitoring this potential regulation to determine whether it may impact DoD operations.

**EPA Proposed Rule: Air Quality Re-designation for the 8-Hour Ozone National Ambient Air Quality Standard for Some Counties in the States of Kansas and Missouri.** On 15 April 2004, EPA announced designations under the 8-hour ozone National Ambient Air Quality Standard (NAAQS). That action designated several counties in the Kansas City area as unclassifiable. The counties in the Kansas City area included in the designation were Johnson, Linn, Miami and Wyandotte Counties in Kansas and Cass, Clay, Jackson and Platte Counties in Missouri. This document proposes to re-designate the above counties to attainment. For additional information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/February/Day-10/a2610.htm>.

[\[Top\]](#)

### **MISSOURI**

### **Legislative/Regulatory Activity**

## **STATE OF MISSOURI PROPOSED LEGISLATION**

(NEW) **Missouri H.B. 348 - Land Use.** H.B. 348 creates the Missouri Military Preparedness and Enhancement Commission to design and implement measures to protect, retain, and enhance the present and future mission capabilities of military posts and bases around the state. The commission's duties include preparing a biennial strategic plan and an annual report. The seven-member commission will meet quarterly, or more often if additional meetings are deemed necessary by the chair. Funding for the commission will be by appropriation, and the Department of Economic Development will provide administrative support staff. The bill was introduced on 26 January 2005. Prospects for consideration are favorable. The bill sponsor is a member of the majority party. The bill has not been referred to a committee of referral but legislative sources indicate that the bill will most likely be considered in the Veterans Committee. The bill was sponsored by Rep. David Pearce (Whiteman Air Force Base) and co-sponsored with Representative David Day (R) who is a member of the Veterans Committee and represents the legislative district that includes Fort Leonard Wood. To view the bill, please go to <http://www.house.state.mo.us/bills051/biltxt/intro/HB0348I.htm>. Sponsor: Representative David Pearce (R)

(NEW) **Missouri H.B. 438 - Lead Abatement.** This bill changes the laws regarding lead abatement to allow a representative from the Department of Health and Senior Services or from the local government, if consent is not granted, to petition the court to reenter a dwelling or child-occupied facility to determine if the owner has reduced

lead hazards to an acceptable level. It allows a representative from the department or the Attorney General to bring an action to temporarily or permanently restrain any action resulting in lead abatement or the prevention of lead poisoning. The bill was introduced on 2 February 2005 and referred to Special Committee on Urban Issues 10 February. Prospects for consideration are favorable. The bill is only one of two bills currently assigned to the special committee. The sponsor is not a member of the committee of referral. To view the bill, please go to <http://www.house.state.mo.us/bills051/bilsum/intro/sHB4381.htm>. Sponsor: Representative Robert Schaaf (R)

(UPDATE) **Missouri H.B. 31 - Lead Abatement.** H.B. 31 amends penalties relating to lead abatement in facilities that have children less than six years of age. The bill was prefiled on 1 December 2004 and introduced on 5 January 2005. Prospects for consideration are uncertain. The bill has not been assigned to a committee. In previous legislative sessions, bills with similar language were referred to the House Conservation and Natural Resources Committee. The bill's sponsor is a member of the majority party. Sources indicate the bill was withdrawn due to technical language mistakes. The sponsor plans on re-introducing the bill. To view the bill, please go to <http://www.house.state.mo.us/bills051/bilsum/intro/HB00311.htm>. Sponsor: Representative Robert Schaaf (R)

(UPDATE) **Missouri S.B. 22 - Emissions.** This bill requires changes to motor vehicle emission program requirements established by the Air Conservation Commission. The text of the bill is unavailable at this time. The bill was prefiled on 1 December 2004 and introduced on 5 January 2005 and referred to the Senate Transportation Committee on 13 January. A hearing was held on 8 February. The committee did not vote on the measure as it heard other bills and will likely take a vote in executive session. No date has been determined. Prospects for consideration are favorable. The bill sponsor is a member of the majority party and is Vice Chair of the committee of referral indicating that the bill will likely be considered in committee. Sponsor: Senator John Griesheimer (R)

(UPDATE) **Missouri S.B. 95 - Lead-Based Paint, Lead Abatement.** S.B. 95 amends fines imposed on lead abatement and lead poisoning of children. The bill was prefiled on 1 December 2004 and was introduced on 5 January 2005. The bill was read for second reading and then referred to the Senate Committee on Aging, Families, Mental and Public Health on 13 January. A hearing was held January 19. Prospects for consideration are favorable. The bill sponsor is a member of the minority party and is not a member of the committee of referral; however, the sponsor holds the Minority Floor Leader-elect position. According to legislative sources the bill passed out of committee and is expected to go over to the House for floor consideration. To view the bill, please go to <http://www.senate.mo.gov/05info/billtext/intro/SB95.htm>. Sponsor: Senator Maida Coleman (D)

## **STATE OF MISSOURI FINAL RULE**

**(Effective 28 February 2005) MO Department of Natural Resources Final Regulation Published 2 August 2004: Increase to the Insignificant Emissions Levels for Minor Construction Permitting (2691) (10 CSR 010-06.061).** MDNR has finalized a rulemaking to revise 10 CSR 010-06.061, Construction Permit Exemptions. The rulemaking increases the insignificant emission levels that determine when an installation requires a construction permit for insignificant modifications. The exemptions reduce permitting burdens for the construction industry and for small sources of VOCs. On 3 February 2004, the Department obtained a 12-month variance from the Missouri Air Conservation Commission that allows installations to take advantage of the lower emission level exemptions prior to the finalization of the rulemaking. The rule became effective 28 February 2005. For additional information, please contact Paul McConnell at (573) 751-4817.

## **STATE OF MISSOURI PROPOSED RULE**

(UPDATE) **MO Department of Natural Resources Draft Rules: Amendments to Transportation Conformity Regulations (10 CSR 10-2.390 And 10-5.480).** The Department has issued draft proposals that amend the transportation conformity regulations for Kansas City and St. Louis. The amendments revise the regulations to update recent changes to the federal transportation conformity rules. The updates include new transportation conformity standards for 8-hour ozone and PM<sub>2.5</sub>. MDNR has posted a preliminary draft for public comment. Comments are due 13 April 2005. The preliminary drafts for 10-2.390 and 10-5.480 are available at <http://www.dnr.state.mo.us/alpd/apcp/Rules/RID/2-390/2390DraftRuleText.pdf> and <http://www.dnr.state.mo.us/alpd/apcp/Rules/RID/5-480/5480DraftRuleText.pdf>. For additional information, please contact Don Cripe at (573)751-4817.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**(Effective 4 April 2005) EPA Approval and Promulgation of State Implementation Plan Revisions; State of Missouri.** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Missouri. This approval pertains to revisions to the State's rule that add vapor line requirements necessary to achieve Stage I vapor recovery for air quality benefits. The effect of this approval is to ensure Federal enforceability of the State air program rules and to maintain consistency between the State-adopted rules and the approved SIP. This direct final rule will be effective 4 April 2005, without further notice, unless EPA receives adverse comment by 4 March 2005. If an adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the Federal Register informing the public that the rule will not take effect. For additional information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/February/Day-02/a1993.htm>.

**(Effective 10 February 2005) EPA Adequacy Determination for the St. Louis Area Ozone Maintenance, State Implementation Plan for Transportation Conformity Purposes; State of Missouri.** In this notice, EPA is informing the public that the Agency found the motor vehicle emissions budgets (MVEB) for volatile organic compounds and nitrogen oxides in the Missouri portion of the St. Louis area adequate for conformity purposes. The State of Missouri established MVEBs for 2007. The emission estimates for 2007 were included in the 1-hour ozone maintenance plan based on projected emission inventories for that year. This Notice formalizes the 2007 emissions estimates as budgets for future conformity determinations, including the conformity determination that is required by 15 June 2005, under the 8-hour ozone standard. This rule is effective 10 February 2005. For additional information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/January/Day-26/a1372.htm>.

[\[Top\]](#)

## NEBRASKA

## Legislative/Regulatory Activity

### **STATE OF NEBRASKA PROPOSED LEGISLATION**

**(NEW) Nebraska L.B. 94 - Environmental Crimes/Fines.** L.B. 94 requires the collection of an annual emission fee from major sources of air pollution in the amount of \$25 per ton per pollutant. The bill was introduced and referred to the Natural Resources Committee on 26 January 2005. A hearing was held on 21 January and placed on General File January 25, the first of three floor debates in the Nebraska Unicameral. Prospects for passage are uncertain. The bill advanced out of committee with a 7-0 vote. To view the bill, please go to [http://www.unicam.state.ne.us/pdf/INTRO\\_LB94.pdf](http://www.unicam.state.ne.us/pdf/INTRO_LB94.pdf). Sponsor: Senator Ray Janssen (I)

**(NEW) Nebraska L.B. 351 - Environmental Administrative Procedures.** This bill revises membership provisions for the Environmental Quality Council. The bill was introduced and referred to the Natural Resource Committee on 11 January 2005. Prospects for consideration are uncertain. The sponsor does not sit on the committee to which the bill has been referred. All bills in the Nebraska Legislature must have a hearing in front of a committee that the bill was referred to. A hearing has been scheduled for 23 February. To view this bill, please go to [http://www.unicam.state.ne.us/pdf/INTRO\\_LB351.pdf](http://www.unicam.state.ne.us/pdf/INTRO_LB351.pdf). Sponsor: Senator Donald G. Preister (I)

**(UPDATE) Nebraska L.B. 190 - Electronic Scrap/Waste, Advance Disposal Fees.** This bill requires that the Nebraska Environmental Trust Board promote the recycling of electronic equipment by implementing a plan for short-term and long-term collecting, storing, transporting, processing, and recycling of electronic equipment. This bill also requires a five-dollar fee, to be paid by the purchaser, on the sale of items that contain a cathode ray tube. The bill was introduced on 7 January 2005 and referred to the Natural Resources Committee on 11 January. A hearing for this bill was held on 9 February, however there has been no action taken on this bill yet. To view this bill, please go to [http://www.unicam.state.ne.us/pdf/INTRO\\_LB190.pdf](http://www.unicam.state.ne.us/pdf/INTRO_LB190.pdf). Sponsor: Senator Donald G. Preister (I)

### **STATE OF NEBRASKA PROPOSED RULE**

**(NEW) NE Department of Environmental Quality Proposed Regulation: Amendments to New Source Performance Standards and to Emission Monitoring Requirements (Title 129, Chapters 18 and 34).** The Department has proposed amendments to its regulations that govern new source performance standards and emission limits for existing sources. The amendments will update the new source performance standard for stationary gas turbines. The Department has also proposed amendments to its regulations that govern testing and monitoring of emission sources. Those amendments will disallow an exemption from certain monitoring

requirements for a source that has ever been out of compliance with the Department's particulate emissions standards. The current rule allows an exemption for certain sources that have not been out of compliance with the standard for at least five years. The Department held a public hearing before the Environmental Quality Council on 4 March 2005 with comments due on 3 March. *For additional information, please contact Bev Kellison at (402) 471-3588.*

[\[Top\]](#)

## FEDERAL ACTIONS

### **EPA PROPOSED RULES**

**Standards of Performance for Stationary Combustion Turbines.** The EPA is proposing standards of performance for new stationary combustion turbines in 40 CFR part 60, subpart KKKK. The new standards would reflect changes in nitrogen oxides (NOX) emission control technologies and turbine design since standards for these units were originally promulgated in 40 CFR part 60, subpart GG. The NOX and sulfur dioxide (SO<sub>2</sub>) standards have been established at a level that brings the emission limits up to date with the performance of current combustion turbines and their emissions. Full text document location is:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-3000.htm>

#### **Implementation of the 8-Hour Ozone National Ambient Air Quality Standard--Phase 1:**

**Reconsideration.** EPA is requesting comment on two issues raised in a petition for reconsideration action of EPA's rule to implement the 8-hour ozone national ambient air quality standard (NAAQS or standard). In addition, EPA is proposing to clarify two aspects of the implementation rule. On April 30, 2004, the Agency issued a final rule addressing key elements of the program to implement the 8-hour ozone NAAQS. Subsequently, on 29 June 2004 and 24 September 2004, three different parties each filed a petition for reconsideration of certain specified aspects of the final rule. By letter dated 23 September 2004, EPA granted reconsideration of three issues raised in the petition for reconsideration filed by Earthjustice on behalf of several environmental organizations. Today, EPA is providing additional information and soliciting comment on two of the issues on which the Agency granted reconsideration. The issues are being addressed today are whether the section 185 fee provisions apply once the 1-hour NAAQS is revoked and the timing for determining what is an "applicable requirement" for purposes of anti-backsliding once the 1-hour NAAQS is revoked. EPA will shortly address the issue of new source review (NSR) anti-backsliding in a separate action. The Agency is requesting public comment on the issues discussed in this action, which are described in section III of the Supplementary Information section of this preamble. EPA plans to issue a final decision on these issues no later than 20 May 2005. The Agency is also proposing to revise the implementation rule in two respects. First EPA are proposing to find that contingency measures for failure to make reasonable further progress or attain by the applicable attainment date for the 1-hour ozone standard are no longer required of an area after revocation of that standard. Second, although Sec. 51.905 of the rule provided that areas designated non-attainment for the 1-hour NAAQS at the time of designation as non-attainment for the 8-hour NAAQS remain subject to any outstanding 1-hour attainment demonstration requirement, we failed to list the attainment demonstration as an "applicable requirement." EPA is proposing to revise the definition of "applicable requirement" to include the 1-hour attainment demonstration. For additional information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/February/Day-03/a1997.htm>.

### **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**EPA Sets Reference Dose for Perchlorate.** Consistent with the recommended reference dose in the National Academy of Science's January 2005 report, EPA has set an official reference dose (R<sub>f</sub>D) of 0.0007 mg/kg/day of perchlorate. A reference dose is a scientific estimate of a daily exposure level that is not expected to cause adverse health effects in humans. EPA's new R<sub>f</sub>D translates to a Drinking Water Equivalent Level (DWEL) of 24.5 ppb. The DWEL assumes that all of a contaminant comes from drinking water and is the concentration of a contaminant in drinking water that will have no adverse effect with a margin of safety. Because there is a margin of safety built into the EPA's new R<sub>f</sub>D and the DWEL, exposures above the DWEL are not necessarily considered unsafe. EPA's new R<sub>f</sub>D for perchlorate will be posted on the agency's online IRIS database, which contains risk information on possible human health effects from exposure to chemical substances in the environment. The IRIS web site at <http://www.epa.gov/iris> and at <http://www.epa.gov/perchlorate>.

**Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; Notice of Data Availability.** On 6 April 2004, EPA proposed to approve a number of new analytical methods for measuring pollutants in wastewater and drinking water, and proposed to withdraw approval of Syngenta Method AG-625 for determination of atrazine by immunoassay. Today's action announces the availability of new data regarding these changes, and updates to three proposed methods. Full text document location is:  
<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-2988.htm>

**Draft National Whole Effluent Toxicity Guidance Available for Comment.** EPA released its draft National Whole Effluent Toxicity Implementation Guidance for public review and comment for 60 days. The draft guidance document provides recommendations to states and EPA regional offices on implementing whole effluent toxicity (WET) testing in National Pollutant Discharge Elimination System (NPDES) permits. The draft WET Guidance is available on EPA's web site at [www.epa.gov/npdes/permitbasics](http://www.epa.gov/npdes/permitbasics)

## **U.S. FISH AND WILDLIFE SERVICE**

**Endangered and Threatened Wildlife and Plants: Proposed Endangered Status for the Salt Creek Tiger Beetle (*Cicindela nevadica lincolniana*).** USFWS proposes to list the Salt Creek tiger beetle (*Cicindela nevadica lincolniana*) as endangered under the authority of the Endangered Species Act of 1973, as amended (Act). The Salt Creek tiger beetle, a member of the family *Cicindelidae*, is endemic to the saline wetlands of eastern Nebraska and associated streams in the northern third of Lancaster County and southern margin of Saunders County in Nebraska, where it is found in barren salt flat and saline stream edge habitats. Of six known populations in 1991, three are now extirpated and the remaining three are small and highly threatened by further habitat destruction, degradation, and fragmentation. These three small populations of Salt Creek tiger beetles are vulnerable to local extirpations from random natural events and human-induced activities. This proposal, if made final, would extend Federal protection and recovery provisions of the Act to the Salt Creek tiger beetle

**AEC Comment:** The salt creek tiger beetle is found in Lancaster and southern margin of Saunders Counties, Nebraska the location of the Mead Local Training Area (USAR). For additional information, please contact the Media Manager at (410) 436-1564.

**Endangered and Threatened Wildlife and Plants, 5-Year Review: Lesser Long-nosed Bat, Black-capped Vireo, Yuma Clapper Rail, Pima Pineapple Cactus, Gypsum Wild-Buckwheat, Mesa Verde Cactus, and Zuni Fleabane.** USFWS announces a 5-year review of the lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*), the black-capped vireo (*Vireo atricapilla*), the Yuma clapper rail (*Rallus longirostris yumanensis*), Pima pineapple cactus (*Coryphantha sheeri* var. *robustispina*), gypsum wild-buckwheat (*Erigonum gypsophilum*), Mesa Verde cactus (*Sclerocactus mesae-verde*), and Zuni fleabane (*Erigeron rhizomatus*) under the Endangered Species Act of 1973 (Act). The purpose of reviews conducted under this section of the Act is to ensure that the classification of species as threatened or endangered on the List of Endangered and Threatened Wildlife and Plants (50 CFR 17.12) is accurate. The 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

**AEC Comment:** The lesser long-nosed bat is recorded as onsite Fort Huachuca (IMA SW) and the **black-capped vireo** is recorded on-site at Camp Bowie (ARNG), Fort Hood (IMA SW), Fort Sam Houston (IMA SW) and Fort Sill (IMA SW). Section 4(c)(2)(A) of the Act (16 U.S.C. 1531 et seq.) requires USFWS to conduct a review of listed species at least once every 5 years. Under section 4(c)(2)(B) and the provisions of subsections (a) and (b), USFWS is required to determine, on the basis of such a review, whether or not any species should be removed from the List of Endangered and Threatened Wildlife and Plants, or reclassified from endangered to threatened (downlisted), or from threatened to endangered (uplisted). The 5-year review is an assessment of the best scientific and commercial data available at the time of the review. Comments are due by 3 May 2005. For additional information, please contact the Media Manager at (410) 436-1564.

**Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Northern Aplomado Falcons in New Mexico and Arizona and Availability of Draft Environmental Assessment.** USFWS proposes to re-introduce northern aplomado falcons (*Falco femoralis septentrionalis*) into their historic habitat in southern New Mexico and Arizona with the purpose of establishing a viable resident population. If this proposed rule is finalized, USFWS may release captive-raised falcons as early as the summer of 2005 and release up to 150 additional falcons annually in the summer and/or fall for 10 or more years



thereafter until a self-sustaining population is established. USFWS proposes to designate this re-introduced population as a non-essential experimental population (NEP) according to section 10(j) of the Endangered Species Act of 1973 (Act), as amended. The geographic boundary of the proposed NEP includes all of New Mexico and Arizona. A draft environmental assessment (EA) has been prepared on this proposed action and is available for comment. This proposed action is part of a series of reintroductions and other recovery actions that USFWS, Federal and State agencies, and other partners are conducting throughout the species' historical range. This proposed rule provides a plan for establishing the NEP and provides for limited allowable legal taking of the northern aplomado falcon within the defined NEP area.

**AEC Comment:** The northern aplomado falcon is recorded by White Sands Missile Range (IMA SW) and Fort Bliss (IMA SW). The falcon will be released in Arizona and New Mexico and designated as a non-essential experimental population (NEP). As a NEP, the species is treated like a proposed species. Installations are to confer with FWS on actions that are likely to jeopardize the continued existence of a proposed species. The results of a conference are advisory in nature and do not restrict agencies from carrying out, funding, or authorizing activities. Any falcons that occur within the proposed NEP area will be considered part of the proposed NEP and will be subject to the protective measures in place for the proposed NEP. Any falcons outside the proposed NEP area will be considered endangered under the Act. Therefore, in accordance with the proposed rule, any falcons that are found on the TX side of Fort Bliss will be subject to the full protection of the ESA. Comments are due by 11 April 05. For additional information, please contact the Media Manager at (410) 436-1564.

[\[Top\]](#)

## REGIONAL MEETINGS

**Southwest Strategy Agency Coordinators Meeting.** This meeting will be held on **22-23 March 2004** in **Phoenix, Arizona**. For additional information, please contact the Project Manager at (816) 983-3451.

**IMA/AUSA Installations Symposium.** This meeting will be held on **29 March-1 April 2004** in **Kansas City, Missouri**. For additional information, please contact the Project Manager at (816) 983-3457.

**US-Mexico Symposium on Natural and Cultural Resources Management.** This meeting will be held on **19-21 April 2004** in **Las Cruces, New Mexico**. For additional information, please contact the Project Manager at (816) 983-3451.

**EPA Region 7 Federal Facilities Conference.** The conference is scheduled for **24-26 May 2005** in **Kansas City, KS**. For additional information call the Army REC at (816) 983-3447.

[\[Top\]](#)

## TRAINING COURSES AND WORKSHOPS

**USACE PROSPECT Training.** The USACE Prospect program provides job-related training through technical, professional, managerial and leadership courses to meet the unique needs of the USACE and other government agencies. The courses are open to all federal agencies. The current fiscal year schedule of classes is available at <http://pdsc.usace.army.mil/courseschedule.asp>. To register, please contact the USACE Registrar at (256) 895-7425 or 7421.

**2005 National Military Fish and Wildlife Association Annual Training Session.** This training session is planned for **14-17 March 2005** in **Arlington, Virginia**. The sessions planned include:

- Invasive Species Management (plants and animals).
- Habitat Restoration.
- Chesapeake Bay Issues.
- Wildlife Research Supports the Military Training Mission.
- Reptile and Amphibian Biology and Management.
- Invertebrate Species Biology and Management.

Additional information can be found at [http://www.nmfwa.org/2005\\_Meeting/index.htm](http://www.nmfwa.org/2005_Meeting/index.htm) , 2005 Meeting.

**Hazardous Waste Manifesting/DOT Initial Certification Course.** This 36-hour course (Control Number – 223) provides initial training regarding regulatory requirements of the Hazardous Materials Transportation Act (HMTA) and the Resource Conservation and Recovery Act (RCRA) as it applies to the generation, transportation, and disposal of hazmat, focusing upon hazardous waste. It enables employers to certify as required by 49 CFR 172 Subpart H, that their employees have been trained and tested in general awareness and function-specific elements. In addition, this is an ISEERB approved and DoD approved course as per DoD 4500.9-R. (Note: Certain RCRA and safety related training elements required by 49 CFR 172 Subpart H and 40 CFR 265.16 are typically site-specific and must be performed on the job.) The course will be held on **14-18 March 2005** in **Phoenix, Arizona**. To register, contact the USACE Registrar at (256) 895-7425 or 7421 or log on at <http://pdsc.usace.army.mil/>.

**Introduction to Cultural Resources Management – Laws & Regulations Course.** This three-day course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Interservice Environmental Education Review Board (ISEERB). Sponsor for this course is the Navy Federal Preservation Officer. (24 hours – class finishes 1630 hrs each day) This Course is ACHP recognized. This is an ISEERB approved course. The course is scheduled for **15-17 March 2005** in **San Diego, California**, and **17-19 August 2005** in **Seattle, Washington**. For more information or to register, please visit <https://www.cecos.navy.mil>.

**Hazardous Waste Manifesting/DOT Re-Certification Course.** This 36-hour course (Control Number – 429) provides recurrent training regarding regulatory requirements of the Hazardous Materials Transportation Act (HMTA) and the Resource Conservation and Recovery Act (RCRA) as it applies to the generation, transportation, and disposal of hazmat, focusing upon hazardous waste. It enables employers to certify as required by 49 CFR 172 Subpart H, that their employees have been trained and tested in general awareness and function-specific elements. In addition, this is an ISEERB approved and DoD approved course as per DoD 4500.9-R. (Note: Certain RCRA and safety related training elements required by 49 CFR 172 Subpart H and 40 CFR 265.16 are typically site-specific and must be performed on the job.) The course will be held on **17-18 March 2005** in **Phoenix, Arizona**. To register, contact the USACE Registrar at (256) 895-7425 or 7421 or log on at <http://pdsc.usace.army.mil/>.

**Introductory Risk Communication Workshop.** The CHPPM is presenting this workshop to provide participants with a basic understanding of the concepts, principles and process of effective risk communication planning. The workshop provides participants with an understanding of essential communication skills and tools for building strategic stakeholder relationships that provide the framework for discussion of complex risk issues. The workshop is scheduled for **29-31 March 2005** in **Edgewood, Maryland**. For more information, please go to <http://chppm-www.apgea.army.mil/risk>, click "Training," and then scroll to "Introductory and Advanced Health Risk Communication Workshops."

**Historic Preservation Law and Section 106 Compliance Course.** This course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) through the use of actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes, but is not limited to, the stewardship role, use of historic properties, and communications with related oversight agencies. (24 hours – class finishes 1630 hrs each day) This is an ISEERB approved course. This Course is ACHP recognized. The course is scheduled for **19-21 April 2005** in **Washington, DC** and **19-21 September 2005** in **Great Lakes, Illinois**. For more information or to register, please visit <https://www.cecos.navy.mil>.

**Introductory Preliminary Assessment Training.** This 2-day EPA course provides participants with an introduction to the Superfund site assessment process and the fundamentals of the preliminary assessment phase of this process as it applies to both nonfederal and federal facility sites. Topics to be discussed include an overview of the site assessment process; the fundamentals of the Hazard Ranking System; data collection strategies; site reconnaissance and documentation procedures; site, source, and waste characterization techniques; groundwater, surface water, air, and soil exposure pathway analyses; preliminary assessment scoring methodology; and the Federal Agency Hazardous Waste Compliance Docket. The course will be held in **Kansas City, Kansas** on **26-27 April 2005**. For additional information or to register, please go to <http://www.trainex.org/offeringlist.cfm?courseid=26>.

**Introductory Site Inspection Training.** This 2-day EPA course provides participants with an introduction to the Superfund site inspection and the fundamentals of the site inspection phase of this process as it applies to both nonfederal and federal facility sites. Topics to be discussed include: an overview of the site assessment process; the

fundamentals of the *Hazard Ranking System*; data collection strategies; site reconnaissance and documentation procedures; site, source, and waste characterization techniques; groundwater, surface water, air, and soil exposure pathway analyses; radiation; site inspection approaches; media-specific planning and sampling strategies; data evaluation and review; and reporting requirements. The course will be held in **Kansas City, Kansas** on **28-29 April 2005**. For additional information or to register, please go to

<http://www.trainex.org/offeringlist.cfm?courseid=27>.

### **Symposium & Workshop on Threatened, Endangered, and At-Risk Species on DoD and Adjacent Lands.**

The goal of this Symposium & Workshop is to define and evaluate threatened, endangered, and at-risk species (TER-S) research relevant to DoD. Researchers from multiple organizations will assemble to address TER-S issues at a national level. The format of the event is designed to

- present the most up-to-date information on government and academic TER-S research relevant to DoD;
- stimulate collaboration and foster partnerships among participants; and
- identify additional areas of research needed to address TER-S and associated habitat issues facing DoD and other federal land managing agencies.

The Symposium & Workshop on Threatened, Endangered, and At-Risk Species on DoD and Adjacent Lands will open with a plenary session describing DoD's perspectives and those of the TER-S research community. A comprehensive technical program will follow the plenary session and will consist of nine sessions to address desert, forest, and grassland ecosystem issues. The Threatened and Endangered Species Workshop has been scheduled for **7-9 June 2005** in **Baltimore, Maryland**. For more information or to register on-line, please go to

<http://www.serdp.org/TESSWorkshop>.

**Natural Resources Compliance Course.** This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. The course addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. (32 hours – class finishes 1630 hrs each day) This is an ISEERB approved course. The course is scheduled for **21-24 June** in **Silverdale, Washington**. For more information to register, please visit

<https://www.cecos.navy.mil>.

**14<sup>th</sup> Annual ITAM Workshop.** In accordance with the FY05 ITAM Workshop Memo, DAMO-TRS has chosen Camp Atterbury and ERDC as hosts for the FY05 ITAM Workshop. The 2005 ITAM Workshop will be held from **1 - 4 August 2005** in **Indianapolis, Indiana**. Please go to <http://srp.army.mil/public/home.jsp> to keep abreast of additional details regarding this important workshop.

**Partners in Environmental Technology Technical Symposium & Workshop.** Sponsored by Strategic Environmental Research and Development Program (SERDP) and Environmental Security Technology Certification Program (ESTCP), the 2005 Partners in Environmental Technology Technical Symposium & Workshop will take place **29 November- 1 December 2005** at the Marriott Wardman Park Hotel in **Washington, D.C.** For information as it becomes available, please go to <http://www.serdp.org/symposiums/symposiums.html> or e-mail [partners@hgl.com](mailto:partners@hgl.com) or call (703) 736-4548 with any questions.

[\[Top\]](#)

## **CONFERENCES AND SYMPOSIUMS**

**The 13th Annual On-Site Wastewater Treatment Research Council Conference.** This conference has been designed to provide information about on-site wastewater treatment and disposal systems, installation practices, soils, Texas rules and regulations, and enforcement issues. The conference will be held on **8-9 March 2005** at the Waco Convention Center, **Waco, Texas**. For additional information or to register, please go to <http://www.tnrcc.state.tx.us/admin/events/05-03wastewater.pdf>.

**Water and the Future of Kansas Conference.** The purpose of this conference is to inform all concerned about the status of water in Kansas and to provide an opportunity to interact with others who share an interest,

responsibility, or concern for water. Program highlights include Plenary Sessions, Issue Forums and Panel Discussions, and Poster Sessions. The conference is scheduled for **17 March 2005** in **Topeka, Kansas**. For additional information, please go to <http://www.dce.ksu.edu/dce/conf/waterfuture/topics.html>.

**National Environmental Partnership Summit.** The 2005 National Environmental Partnership Summit is a four-day program focused on sharing innovations in pollution prevention, compliance assistance and environmental leadership. The Summit will take place on **11-14 April 2005** in **Chicago, Illinois**. The Summit will merge the annual meetings of the National Pollution Prevention Roundtable, the Compliance Assistance Providers' Forum and the Performance Track Participants' Association. In addition, The Summit planning team would like to diversify the formats for this conference. The team is planning to have some classic panel presentations with individual papers woven together thematically, but they are also interested in hearing from interested parties who would like to suggest and facilitate a dialogue, plan a results-focused work session or custom design an entire 90 minute session with their own hand-picked speakers. To learn more, please go to <http://www.environmentalsummit.org/IntroductionCallforContent.cfm>.

**2005 Joint Services Environmental Management Conference and Exposition.** The 2005 Conference will combine two major events - the Joint Services Environmental Management Conference (JSEM) and NDIA's Environment & Energy Divisions Annual Symposium. This combined Conference is designed to support and enhance environmental programs within the Department of Defense and other Federal Agencies. By combining the resources of these previously separate Conferences, the conference organizers hope to achieve results and benefits in efficiency to both DoD and Industry participants. In addition, it will offer an unprecedented level of policy discourse and an extensive discussion of technical issues. The conference will be held in **Tampa, Florida** on **11-14 April 2005**. For more information on this conference, please go to <http://register.ndia.org/interview/register.ndia?~Brochure~5440> or call (703) 247-2587.

**2005 Midwest Region Environmental Conference.** This conference, sponsored by the Associated Industries of Missouri and the Regulatory Environmental Group for Missouri, in partnership with the Kansas Chamber, the Iowa Association of Business and Industry, the Nebraska Chamber of Commerce & Industry, the Greater Kansas City Chamber of Commerce, will be held in **Kansas City, Missouri** on **26-27 April 2005**. Among the topics to be discussed are TMDLs (When are TMDLs required and do TMDLs differentiate between point and non-point source pollution. How do TMDLs affect existing point sources and will new sources in impaired watersheds be permitted? When disputes arise, how are they addressed? May point sources appeal a TMDL or each others' permits?), air issues (projections that demand for electricity will require between 1300 to 1900 new power plants in this country in the next 20 year and what will this mean to the cost of electricity and will natural gas and other options become more economic? Energy cost and supply issues are a necessary part of decision-making in environmental control technology and compliance issues), environmental issues and compliance costs (Applicable topics of Title V compliance certifications, the latest developments in construction permitting of major sources, non-attainment regulation developments and the Boiler MACT). For additional information, please go to AIM's website at <http://www.aimo.com/> or call (573) 634-2246.

**Texas Commission on Environmental Quality (TCEQ) Environmental Trade Fair and Conference (ETFC).** The TCEQ Environmental Trade Fair and Conference (ETFC) will be held in the Convention Center in **Austin, Texas** on **2-4 May 2005**. Attendees will:

- learn how to reduce environmental impacts and save money;
- find out how to receive regulatory relief and other incentives from TCEQ;
- hear success stories about performance-based EMSs and innovative programs; and
- network and gain ideas on developing community partnerships.

For additional information, please go to <http://www.tnrcc.state.tx.us/exec/sbea/etf/etf.html>.

**Second Conference on Sustainable Range Management.** Planning is underway for the Second Conference on Sustainable Range Management, to be held in **San Antonio, Texas** on **15-18 August 2005**. The Conference is designed to facilitate exchange of information among all stakeholders concerned with how military ranges and training areas can be used to test and evaluate weapon systems and train DoD personnel without conflicting with economic, environmental, and other concerns. The technical program will consider the many issues including operational range management, urban encroachment, frequency and airspace competition, munitions constituents and UXO, protection of endangered species, protection of air quality, sustainability of the maritime environment, noise abatement, and outreach. For additional information, please go to <http://www.rangecon.org/>.

**Region 7 Local Emergency Planning Committee 9 (LEPC) and Tribal Emergency Response Commission Conference (TERC).** The conference brings the latest information about hazardous materials, emergency planning and environment. The 2005 conference will also feature a session devoted to health and medical issues. The speakers will address issues of interest to health providers as well as first responders. The Local Emergency Planning Committee (LEPC)/Tribal Emergency Response Commission (TERC) is the main source for information about hazardous materials, emergency planning and environmental risks in the community. EPA and FEMA, in conjunction with private industry, tribal, state and local governments have developed the conference to help LEPCs/TERCs conduct their jobs safely and more effectively. As an exhibitor, you can get your message directly to the personnel responsible for protection of local communities. The meeting will be held on **17-18 August 2005** in **Kansas City, Missouri**. For additional details, please go to <http://www.marc.org/gti/lepc-terc.htm>.

**AWMA Workshop: Understanding the Changing World of New Source Review (NSR).** The world of NSR is one of the most complex and ever changing issues today. To understand these changes, the workshop will endeavor to show where each version of the rule applies; explain the basics of the major NSR permit requirements (BACT, LAER, etc.); discuss the applicability criteria for each version of the rule, allowing you to determine whether major NSR applies to a project; update you on the latest enforcement initiatives, settlement agreements, and court decisions; and provide an idea of what's in store for NSR rules and programs in the near future. The workshop will be held in **New Orleans, Louisiana** on **8-9 September 2005**. For additional information, please go to <http://www.awma.org/events/workshops/NSR04/default.asp>.

**Brownfields 2005.** The 2005 national brownfields conference sponsored by EPA and ICMA will be held in **Denver, Colorado** on **2-4 November 2005**. This year the Department of Defense will announce that numerous military bases will be closed, affecting dozens of communities across the country. Because of the pending base realignment and closure (BRAC) process, as well as the similarities between brownfield and military base cleanup and reuse, this conference will feature a set of technical sessions and mobile workshops focused on the remediation and redevelopment aimed at BRAC sites. For more information about Brownfields 2005 or to register on line, see <http://www.brownfields2005.org>

[\[Top\]](#)

**Acronyms and Abbreviations** The list of acronyms and abbreviations can be found on the AEC web site at <http://aec.army.mil/usaec/reo/creo03.html> and on DENIX at <https://www.denix.osd.mil/denix/State/Partnering/REC/rec.html> (click Information Library).

ACSIM = Assistant Chief of Staff for Installation Management  
ADEQ = Arkansas Department of Environmental Quality  
AEA = Atomic Energy Act of 1954  
AEDB = Army Environmental Database  
AFCEE = U.S. Air Force Center for Environmental Excellence  
AFIT = Air Force Institute of Technology  
AIMO = Associated Industries of Missouri  
ANPR = Advance Notice of Proposed Rulemaking  
ANSI = American National Standards Institute  
APA = American Planning Association  
APC&EC = Arkansas Pollution Control and Ecology Commission  
AQCR = Air Quality Control Region  
AQI = Air Quality Index  
AST = aboveground storage tank  
ASTM = American Society for Testing and Materials  
ASTSWMO = Association of State and Territorial Solid Waste Management Officials



ATV = all-terrain vehicle  
 AWMA = Air & Waste Management Association  
 BAT = best available technology  
 BIA = Bureau of Indian Affairs  
 BOR = Bureau of reclamation  
 BRAC = Base Realignment and Closure  
 CAA = Clean Air Act  
 CADD = computer-aided design and drafting  
 CAM = compliance assurance monitoring  
 CAMU = corrective action management unit  
 CARB = California Air Resources Board  
 CBT = computer-based training  
 CCAR = Coordinating Committee for Automotive Repair  
 CCP = Comprehensive Conservation Plan  
 C&D = construction and demolition  
 CECOS = Civil Engineer Corps Officers  
 CEPPO = Chemical Emergency Preparedness and Prevention Office  
 CERCLA = Comprehensive Environmental Response, Compensation and Liability Act  
 CESQG = conditionally exempt small-quantity generator  
 CFC = chlorofluorocarbon  
 CFR = Code of Federal Regulations  
 CHPPM = U.S. Army Center for Health Promotion and Preventative Medicine  
 CINWL = commercial industrial nonhazardous waste landfill  
 CISWI = commercial and industrial solid waste incinerator  
 CO = carbon monoxide  
 CREO = Central Regional Environmental Office  
 CSR = Code of State Regulations  
 CTIC = Conservation Technology Information Center  
 CTT = closing, transferring and transferred ranges  
 CWA = Clean Water Act  
 DAC = Defense Ammunition Center  
 DBP = disinfection byproduct  
 DBPR = Disinfectants and Disinfection Byproducts Rule  
 DEI = Directorate of Environmental Integration  
 DENIX = Defense Environmental Network & Information eXchange  
 DERP = Defense Environmental Restoration Program  
 DFW = Dallas/Fort Worth  
 DNT = dinitrotoluene  
 DoD = U.S. Department of Defense  
 DOE = U.S. Department of Energy  
 DOI = U.S. Department of Interior  
 DOT = U.S. Department of Transportation  
 DRMS = Defense Reutilization and Marketing Service  
 DSMOA = Defense/State Memorandum of Agreement  
 EA = environmental assessment  
 ECAS = Environmental Compliance Assessment System  
 ECHO = Enforcement and Compliance History Online  
 ECOS = Environmental Council of the States  
 ECSR = Environmental Compliance Status Report  
 EIS = environmental impact statement  
 EMR = environmental management review  
 EMS = environmental management system  
 EO = executive order  
 EPA = U.S. Environmental Protection Agency  
 EPAS = Environmental Performance Assessment System  
 EPCRA = Emergency Planning and Community Right-to-Know Act  
 ER = environmental restoration  
 ERC = Emission Reduction Credit  
 ERTTP = Environmental Response Training Program  
 ETMD = Environmental Training and Management Division

EVR = Enhanced Vapor Recovery  
 FAA = Federal Aviation Administration  
 FEIS = Final Environmental Impact Statement  
 FIFRA = Federal Insecticide, Fungicide and Rodenticide Act  
 FFEO = Federal Facilities Enforcement Office  
 FM = facilities management  
 FR = Federal Register  
 FS = Feasibility Study  
 FUDS = Formerly Used Defense Sites  
 FY = fiscal year  
 GAO = General Accounting Office  
 GCP = general construction permit  
 GIS = geographic information system  
 gpd = gallons per day  
 GSA = General Services Administration  
 HAP = hazardous air pollutant  
 HAZMAT = hazardous materials  
 HAZWOPER = Hazardous Waste Operations and Emergency Response  
 HB = House Bill  
 HGA = Houston/Galveston Area  
 HJR = House Joint Resolution  
 HM = hazardous material  
 HMIRS = Hazardous Materials Information Resource System  
 HMIWI = hospital/medical/infectious waste incinerator  
 HMX = high melting point explosive  
 HQ = headquarters  
 HRVOC = highly-reactive volatile organic compounds  
 HSB = House Study Bill  
 HTRW = hazardous/toxic and radioactive waste  
 IAC = Iowa Administrative Code  
 IBR = Incorporated By Reference  
 IDNR = Iowa Department of Natural Resources  
 IESWTR = Interim Enhanced Surface Water Treatment Rule  
 I&M = inspection and maintenance  
 IMI = Installation Management Institute  
 INSTEP = International Society of Technical and Environmental Professionals  
 ISEERB = Interservice Environmental Education Review Board  
 ISO = International Organization for Standardization  
 ISR = Installation Status Report  
 ITAM = Integrated Training Area Management  
 ITRC = Interstate Technology Regulatory Council  
 JRTC = Joint Readiness Training Center  
 KAR = Kansas Administrative Rules  
 KCMA = Kansas City Metropolitan Area  
 KDA = Kansas Department of Agriculture  
 KDHE = Kansas Department of Health and Environment  
 kW = kilowatt  
 LAC = Louisiana Administrative Code  
 LAMW = low-activity mixed waste  
 LANL = Los Alamos National Laboratory  
 LB = legislative bill  
 LDEQ = Louisiana Department of Environmental Quality  
 LDR = land disposal restriction  
 LLRW = low level radioactive waste  
 LPDES = Louisiana Pollutant Discharge Elimination System  
 LPST = leaking petroleum storage tank  
 LQG = large quantity generator  
 LT1ESWTR = Long Term 1 Enhanced Surface Water Treatment Rule  
 LT2ESWTR = Long Term 2 Enhanced Surface Water Treatment Rule  
 LUC = land use control

LUST = leaking underground storage tank  
 MACT = maximum achievable control technology  
 MCL = maximum contaminant level  
 MCLG = maximum contaminant level goal  
 MDNR = Missouri Department of Natural Resources  
 MDS = minimum desirable streamflow  
 MSDS = Material Safety Data Sheet  
 MEG = Military Environmental Group  
 MEK = methyl ethyl ketone  
 mg/L = milligram per liter  
 mg/yr = megagrams per year  
 MMR = Military Munitions Rule  
 mph = mile per hour  
 MP&M = metal products and machinery  
 M2R = Military Munitions Rule  
 mrem = millirem  
 mrem/yr = millirem per year  
 MRDLGs = maximum residual disinfectant level goals  
 MS4 = municipal separate storm sewer system  
 MSDS = material safety data sheet  
 MSWG = Multi-State Working Group  
 MSWLF = municipal solid waste landfill  
 MSWTS = municipal solid waste transfer station  
 MTBE = methyl tertiary butyl ether  
 MVECP = Motor Vehicle and Engine Compliance Program  
 MVEB = Motor Vehicle Emission Budget  
 MWC = municipal waste combustion  
 NAAQS = National Ambient Air Quality Standard  
 NAICS = North American Industry Classification System  
 NDEQ = Nebraska Department of Environmental Quality  
 NDIA = National Defense Industrial Association  
 NEPA = National Environmental Policy Act  
 NESHAP = National Emission Standards for Hazardous Air Pollutants  
 NFPA = National Fire Protection Association  
 NGWA = National Ground Water Association  
 NHPA = National Historic Preservation Act  
 NMAC = New Mexico Administrative Code  
 NMED = New Mexico Environment Department  
 NO<sub>x</sub> = nitrogen oxides  
 NORM = naturally occurring radioactive material  
 NPDES = National Pollutant Discharge Elimination System  
 NRC = Nuclear Regulatory Commission  
 NREO = Northern Regional Environmental Office  
 NREP = National Registry of Environmental Professionals  
 NSP = new source performance  
 NSR = new source review  
 OAC = Oklahoma Administrative Code  
 ODEQ = Oklahoma Department of Environmental Quality  
 OE = ordnance and explosives  
 OFR = Office of the Federal Register  
 OMB = Office of Management and Budget  
 OMEG = Oklahoma Military Environmental Group  
 ORVR = onboard refueling vapor recovery  
 OSHA = Occupational Safety and Health Administration  
 OSPRA = Oil Spill Prevention and Response Act  
 OSSF = on-site sewage facility  
 OSWER = Office of Solid Waste and Emergency Response  
 P2 = pollution prevention  
 PASS = Permit Application Software System  
 PAL = plant-wide applicability limitation

PBR = permit by rule  
 PBT = persistent bioaccumulative toxin  
 PCB = polychlorinated biphenyl  
 pCi/L = picocurie per liter  
 PEMS = Predictive Emission Monitoring Systems  
 PER = Permitting for Environmental Results  
 P.L. = public law  
 PM = particulate matter  
 PM<sub>2.5</sub> = Fine Particulate Matter with a diameter smaller than 2.5 microns  
 POC = point of contact  
 POM = Program Objective Memorandum  
 POTW = publicly owned treatment works  
 ppb = part per billion  
 ppm = part per million  
 PRP = potentially responsible party  
 PSD = prevention of significant deterioration  
 PST = petroleum storage tank  
 PSTTF = Petroleum Storage Tank Trust Fund  
 PTE = potential to emit  
 PWS = public water system  
 RACM = reasonably available control measures  
 RACT = reasonably available control technology  
 RCRA = Resource Conservation and Recovery Act  
 RDX = Royal Demolition eXplosive  
 REC = Regional Environmental Coordinator  
 REGFORM = Regulatory Environmental Group for Missouri  
 RFG = reformulated gasoline  
 RI = remedial investigation  
 RICE = reciprocating internal combustion engine  
 ROD = record of decision  
 SAME = Society of American Military Engineers  
 SB = Senate Bill  
 SDWA = Safe Drinking Water Act  
 SDWIS = Safe Drinking Water Information System  
 SERDP = Strategic Environmental Research and Development Program  
 SIC = Standard Industrial Classification  
 SIP = State Implementation Plan  
 SM = Senate Measure  
 SO<sub>2</sub> = Sulfur dioxide  
 SPCC = Spill Prevention, Control, and Countermeasure  
 SQG = small quantity generator  
 SREO = Southern Regional Environmental Office  
 TAC = Texas Administrative Code  
 TBD = to be determined  
 TCEQ = Texas Commission on Environment Quality  
 TCM = transportation control measure  
 TDS = total dissolved solids  
 TEFs = Toxicity equivalency factors (related to dioxins)  
 TEQ = Toxicity equivalency (related to dioxins)  
 TERP = Texas Emissions Reduction Plan  
 TIM = Transformation of Installation Management  
 TMDL = total maximum daily load  
 TPDES = Texas Pollutant Discharge Elimination System  
 TRI = Toxics Release Inventory  
 TRI-DDS = Toxics Release Inventory – Data Delivery System  
 TRRP = Texas Risk Reduction Program  
 TSCA = Toxic Substances Control Act  
 TSP = Total Suspended Particulate  
 tpy = tons per year  
 TNT = trinitrotoluene

TXEP = Texas Environmental Partnership  
UIC = underground injection control  
USACE = U.S. Army Corps of Engineers  
USAEC = U.S. Army Environmental Center  
U.S.C. = United States Code  
USFWS = U.S. Fish and Wildlife Service  
USGS = U.S. Geological Survey  
UST = underground storage tank  
UXO = unexploded ordnance  
VOC = volatile organic compound  
WET = whole effluent toxicity  
WMM = waste military munitions  
WQBEL = water quality-based effluent limit  
WQMP = Water Quality Management Plan  
WREO = Western Regional Environmental Office  
ug/L = microgram per liter

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